

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE  
COMPANY, JOHN HANCOCK  
VARIABLE LIFE INSURANCE  
COMPANY and MANULIFE  
INSURANCE COMPANY,

Plaintiffs,

v.

ABBOTT LABORATORIES,

Defendant.

CIVIL ACTION NO. 05-11150-DPW

**ABBOTT'S CORRECTED DEPOSITION DESIGNATIONS FOR**  
**CHRISTOPHER A. MARTINEZ**

Defendant Abbott Laboratories ("Abbott") respectfully submits the attached corrected deposition designations for the November 3, 2006 and March 22, 2007 depositions of Christopher A. Martinez, Partner, The StoneTurn Group.

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Dated: February 21, 2008

Respectfully submitted,

ABBOTT LABORATORIES

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## Christopher Martinez Deposition Designations

Depo Date	Witness	Hancock Designation	Abbott Counter Designation	Abbott Designation	Deposition Exhibit	Plaintiff Exhibit	Defendant Exhibit
11/03/2006	Martinez, Christopher			6:13-7:17			
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11/03/2006	Martinez, Christopher			48:2-49:4			
11/03/2006	Martinez, Christopher			53:15-58:22	1		Def. HK
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11/03/2006	Martinez, Christopher			89:7-89:18			
11/03/2006	Martinez, Christopher			90:13-90:15			
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<b>Depo Date</b>	<b>Witness</b>	<b>Hancock Designation</b>	<b>Abbott Counter Designation</b>	<b>Abbott Designation</b>	<b>Deposition Exhibit</b>	<b>Plaintiff Exhibit</b>	<b>Defendant Exhibit</b>
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<b>Depo Date</b>	<b>Witness</b>	<b>Hancock Designation</b>	<b>Abbott Counter Designation</b>	<b>Abbott Designation</b>	<b>Deposition Exhibit</b>	<b>Plaintiff Exhibit</b>	<b>Defendant Exhibit</b>
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**CERTIFICATE OF SERVICE**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 18, 2008.

Date: February 21, 2008.

\_\_\_\_\_  
/s/ Ozge Guzelsu

## **Color Key to Deposition Designations**

 **Designation by Plaintiffs**

 **Counter Designation by Defendants**

 **Designation by Defendants**

Martinez, Christopher A. (Linked) 11/3/2006 9:09:00 AM

1 Volume: I

2 Pages : 1 - 270

3 Exhibits: 1 - 9

4 UNITED STATES DISTRICT COURT

5 FOR THE DISTRICT OF MASSACHUSETTS

6 CIVIL ACTION NO. 05-1150DPW

7 ----- x

8 JOHN HANCOCK LIFE INSURANCE COMPANY,

9 JOHN HANCOCK VARIABLE LIFE INSURANCE COMPANY,

10 and MANULIFE INSURANCE COMPANY

11 (f/k/a INVESTORS PARTNER INSURANCE COMPANY),

12 Plaintiffs,

13 V.

14 ABBOTT LABORATORIES,

15 Defendant.

16 ----- x

17 C O N F I D E N T I A L

18 VIDEOTAPED DEPOSITION OF CHRISTOPHER A. MARTINEZ

19 Friday, November 3, 2006, 9:10 a.m.

20 Donnelly, Conroy & Gelhaar

21 One Beacon Street

22 Boston, Massachusetts

23 Reporter: Rosemary F. Grogan, CSR, RPR

24

1 THE VIDEOGRAPHER: The court reporter today is  
2 Rosemary Grogan of Merrill Legal Solutions.

3 Would the reporter please swear in the  
4 witness.

5  
6 CHRISTOPHER A. MARTINEZ, having been  
7 satisfactorily identified by the production of a  
8 driver's license, and duly sworn by the Notary Public,  
9 was examined and testified as follows:

10

11 EXAMINATION BY MR. LORENZINI:

12

13 Q. Good morning, Mr. Martinez.

14 A. Good morning.

15 Q. Have you ever been deposed before?

16 A. Yes, I have.

17 Q. So you're familiar with the general procedure  
18 of the deposition?

19 A. Yeah, generally speaking, yes.

20 Q. I just want to remind you a few things. We,  
21 as you know, have a court reporter taking down  
22 everything we say. So in order to have a clean  
23 transcript, it's important that we not interrupt each  
24 other.

1 So you try to wait until I finish my  
2 question before answering and I'll try to wait until you  
3 finish your answer before asking a follow-up question.

4 Okay?

5 A. Understood.

6 Q. If at any time I ask a question you don't  
7 understand, please ask me to clarify or rephrase it and  
8 I'll do my best.

9 A. I will.

10 Q. I don't want you to speculate. You should  
11 answer to the best of your ability based on your  
12 personal knowledge.

13 Do you understand?

14 A. I understand, yes.

15 Q. If you need a break at any time, just let me  
16 know.

17 A. I will.

18 Q. I want to start just with some background  
19 information. Could you describe for me your education  
20 since high school?

21 A. Yes, I attended --

22 MR. LORENZINI: He's suggesting we put the  
23 stipulations on the record. Sorry.

24 Same stipulations as yesterday: Objections,

1 property patent law courses and accounting-type courses.

2 Q. Do you have any training in the medical field?

3 A. I do not.

4 Q. Have you ever been employed in the medical  
5 industry?

6 A. I have not been employed in the medical  
7 industry.

8 Q. You have no employment experience in the  
9 pharmaceutical industry?

10 A. I have been retained by entities involved in  
11 the pharmaceutical industries, so I've done consulting  
12 work.

13 Q. But never been employed by a pharmaceutical  
14 company?

15 A. I have never been an employee of a  
16 pharmaceutical company.

17 Q. And you don't have any legal training; is that  
18 correct?

19 A. Yeah, I'm not a lawyer.

20 Q. Could you describe for me your work experience  
21 since graduating from Stanford?

22 A. Yes, in 1988 I went to work for Peterson  
23 Consulting, which was a litigation consulting firm. I  
24 worked there until -- for two and a half years until, I

1 BY MR. LORENZINI:

2 Q. Mr. Martinez, when we took a break, we were in  
3 the midst of talking about the StoneTurn Group.

4 A. Okay.

5 Q. When was StoneTurn Group founded?

6 A. In April, maybe March, of 2004.

7 Q. And can you describe generally the type of  
8 work performed by the StoneTurn Group?

9 A. We provide litigation support services  
10 including expert witness testimony. We also provide  
11 contract compliance review services, forensic accounting  
12 and evaluation services. We provide computer discovery  
13 services and computer forensic services.

14 Q. Are there any other type of services that are  
15 provided by StoneTurn Group?

16 A. I think pretty much everything would fall into  
17 those broad categories.

18 Q. And what percent of StoneTurn's work consists  
19 of litigation support, roughly?

20 A. I would say a little bit less than half; maybe  
21 40 percent, depending on how you define litigation  
22 support.

23 Q. How do you define litigation support?

24 A. In my mind, it's supporting as an expert

1 witness or consulting as a consultant to a litigation,  
2 but I wouldn't include, for instance, our computer  
3 forensic work, which might get into litigation but  
4 usually not starting as litigation.

5 Q. Why don't you describe for me what you mean by  
6 computer forensic work performed by StoneTurn?

7 A. For instance, we have a computer lab with all  
8 sorts of servers and electronic equipment where we can  
9 go out and image a hard drive, for instance, of a  
10 computer for whatever reason that a company or a law  
11 firm might want to image that hard drive. We can also  
12 do -- we can also extract data from various applications  
13 on corporate servers, such as e-mail systems and such,  
14 so we can help search for particular information within  
15 an e-mail server or within a broader context of the  
16 entire computer systems of an organization.

17 Q. And when StoneTurn performs computer forensic  
18 work, is that generally in the context of ongoing  
19 litigation?

20 A. No, it's generally not. I would say sometimes  
21 it turns into litigation, but generally it's not  
22 litigation to begin with.

23 Q. But it's in anticipation of litigation --

24 MS. COLLARI TROAKE: Objection.

1 MS. COLLARI TROAKE: Objection.

2 A. I would assume he would have same access I

3 would have had.

4 Q. And would Mr. Napper, as partner, have had

5 access to information regarding the firm's revenues?

6 MS. COLLARI TROAKE: Objection. And I'm not

7 seeing how this relevant to why we're here, Eric.

8 MR. LORENZINI: You'll find out.

9 MS. COLLARI TROAKE: Okay. But if we could

10 kind of get to the point.

11 A. I assume Mr. Napper had access to all the same

12 partner information that all the partners had access to.

13 Q. Including revenue information?

14 A. Including our revenue information, yes.

15 MR. LORENZINI: I would like to mark as

16 Exhibit 1, the document with Bates stamp ABBT 77

17 through 78.

18 (Exhibit No. 1 Marked for Identification)

19 BY MR. LORENZINI:

20 Q. Mr. Martinez, you have before you a letter

21 dated June 15, 2004 from Lawrence --

22 MR. GRIESINGER: He's reading it. Why don't

23 you just let him read it first.

24 BY MR. LORENZINI:

1 Q. Let me know when you're finished reviewing the  
2 document.

3 A. I will. I finished reading it.

4 Q. Martinez Exhibit 1 is a letter dated June 15,  
5 2004 from Lawrence Desideri to Brian Davis. First, let  
6 me ask you a general question.

7 During your engagement on Hancock's audit  
8 of Abbott, did you generally receive copies of  
9 correspondence between Winston & Strawn and Choate Hall  
10 & Stewart?

11 A. Did I generally receive correspondence? I  
12 received some correspondence.

13 MR. GRIESINGER: He's not going to know --

14 A. Yeah, I don't know what didn't come to me, but  
15 I did receive some correspondence.

16 Q. Did you receive a copy of the letter that's  
17 been marked as Martinez 1?

18 A. I don't believe I did, no.

19 Q. Did you participate in a telephone conference  
20 on June 7, 2004 with Brian Davis from Choate Hall &  
21 Stewart, Lawrence Desideri and Brian Napper?

22 A. I'm not sure it was June 7th, but I see from  
23 this document, it's referencing that date, but I did --  
24 I was involved in a conversation on the phone with those

1 individuals.

2 Q. And you recall that Brian Davis was

3 representing John Hancock?

4 A. Yes, I do.

5 Q. And Mr. Desideri was representing Abbott?

6 A. That was my understanding, yes.

7 Q. And what was the purpose of that phone call?

8 A. I actually don't know what the specific

9 purpose was. I know that Mr. Davis told us the --

10 MS. COLLARI TROAKE: Objection. Chris, if I

11 could stop you there. Don't reveal in your answer

12 anything that's going to disclose communications

13 with Choate Hall & Stewart.

14 MR. GRIESINGER: Unless Abbott's attorney was

15 on the call.

16 MS. COLLARI TROAKE: Right.

17 A. Yes, when I got on the call, I did not know

18 the purpose of the call.

19 Q. Was there anyone else on the call, other than

20 the people I mentioned previously?

21 A. You mentioned Mr. Napper, Mr. Davis,

22 Mr. Desideri.

23 Q. And yourself.

24 A. Myself. I don't know there might have been

1 another Winston & Strawn attorney on, I believe.

2 Q. What was discussed during that telephone

3 conference?

4 A. During the conference it became clear to me

5 that they were -- that Winston & Strawn was questioning

6 whether StoneTurn was -- had the wherewithal to conduct

7 a compliance audit.

8 Q. And what reasons were provided by Winston &

9 Strawn's attorney regarding their concerns about

10 StoneTurn?

11 MS. COLLARI TROAKE: Objection. Just, you

12 mean what was discussed about the reasons during

13 that call?

14 MR. LORENZINI: Correct.

15 A. Well, they didn't discuss them directly.

16 Their concerns were not the addressed in this call, but

17 it became clear they were questioning us about our

18 background and our ability to perform this work; so they

19 didn't directly express any concerns.

20 Q. But they were asking questions concerning

21 StoneTurn and you and Mr. Napper personally?

22 A. Yes.

23 Q. Do you recall in that phone call that

24 Mr. Napper said that 80 to 90 percent of StoneTurn

1 Group's work is in the litigation support field?

2 A. I don't recall him saying that specifically,  
3 though, as of June 7th of this date, we had only been a  
4 firm a month, two months maybe, yeah, probably close to  
5 two months. So these percentages at that point in time  
6 were probably -- they seemed appropriate to me.

7 Q. And do you recall on that phone call  
8 Mr. Napper said that law firms make up approximately  
9 90 percent of StoneTurn Group's clientele?

10 A. Again, I don't recall that, but it doesn't  
11 strike me as incorrect as of that point in time.

12 Q. Do you recall any other statements that were  
13 made by either side during that telephone conference  
14 other than what we've discussed already?

15 A. I don't recall any specific statements from  
16 that call.

17 Q. What are your responsibilities as a partner at  
18 StoneTurn?

19 A. Broadly speaking, I'm responsible for finding  
20 new projects, proposing on those projects, performing  
21 those projects, and supervising the individuals that  
22 will help perform those projects, evaluating our people  
23 internally. I've got some administrative  
24 responsibilities around training and professional

1 development of our people. I've got financial  
2 responsibilities to the firm.

3 Q. Do your responsibilities include testifying as  
4 an expert witness?

5 A. I do testify as an expert witness, yes.

6 Q. And how many times have you testified as an  
7 expert witness while at StoneTurn?

8 A. While at StoneTurn? I guess when you say  
9 testify, are you speaking of deposition? Trial? How do  
10 you define that?

11 Q. Let's not limit it to testifying.

12 In how many instances have you been  
13 designated as an expert witness and either provided an  
14 expert report or had been deposed or testified at trial?

15 MR. GRIESINGER: So designated to the point at  
16 which at least a report was prepared, is what  
17 you're asking for?

18 MR. LORENZINI: Correct.

19 A. While at StoneTurn?

20 Q. Yes.

21 A. Again, I'm going to take an estimation here,  
22 but I would say it's in the order of 20 times.

23 Q. You mentioned before that you're not involved  
24 in the computer forensic work at StoneTurn.

1 question, I mean any John Hancock-related  
2 companies.

3 A. Okay, I'm sorry. Could you repeat the  
4 question? You're saying any StoneTurn?

5 Q. To your knowledge, have any StoneTurn  
6 employees performed contractual compliance audits on  
7 behalf of John Hancock Companies while employed at a  
8 company other than StoneTurn?

9 A. Not to my knowledge.

10 Q. Mr. Martinez, you've participated in an audit  
11 on behalf of John Hancock, right?

12 A. Yes.

13 Q. When did your involvement in that matter  
14 begin?

15 A. It was in April of 2004.

16 Q. Were you the lead partner at StoneTurn in the  
17 John Hancock audit of Abbott?

18 A. Yes, I was.

19 Q. Who contacted you initially regarding  
20 retention in that matter?

21 A. I believe it was Brian Davis.

22 Q. Brian Davis the John Hancock attorney at  
23 Choate Hall?

24 A. Choate Hall, yes.

1 Q. And did StoneTurn enter into an agreement with  
2 Choate Hall & Stewart concerning the John Hancock audit  
3 of them?

4 A. Yes, we did.

5 Q. Do you know if that agreement has been  
6 produced in this matter?

7 A. I believe it has, yes.

8 Q. Was John Hancock a party to that retention  
9 agreement?

10 MS. COLLARI TROAKE: I'm going to object. The  
11 agreement speaks for itself; if you know.

12 A. I don't know if they were or not.

13 Q. Was there any separate retention agreement  
14 with John Hancock related to the Abbott audit?

15 A. I don't recall that there was a separate  
16 retention agreement.

17 Q. Are you still involved with the Hancock audit  
18 of Abbott?

19 MS. COLLARI TROAKE: Objection. What do you  
20 mean by involved?

21 BY MR. LORENZINI:

22 Q. Is it still an open matter?

23 A. I'm having trouble answering that question  
24 because I guess I'm trying to define what is the audit?

1 We have -- we were unable to conclude the audit because  
2 we weren't provided sufficient information.

3 Q. That wasn't my question, though. Let me  
4 clarify.

5 Are you still performing work on behalf  
6 of John Hancock related to the Hancock/Abbott contract?

7 MS. COLLARI TROAKE: I'm just going to object  
8 to the extent that you answer exclude from your  
9 answer anything that would reveal attorney-client  
10 privilege or work product.

11 THE WITNESS: Okay.

12 MS. COLLARI TROAKE: Aside from that, you can  
13 answer the question.

14 A. We are in the midst of doing some work related  
15 to the John Hancock/Abbott relationship.

16 Q. And would you characterize that work as an  
17 audit, ongoing work?

18 MS. COLLARI TROAKE: Same objection.

19 A. I would not characterize it as an audit.

20 Q. How would you characterize it?

21 A. I would characterize it as evaluating certain  
22 documents that were produced in the litigation between  
23 the parties that was produced, both redacted and  
24 unredacted form. And so we were trying to assess the

1 relevance of that unredacted information to the audit.

2 Q. Is there any other ongoing work you're

3 performing in the John Hancock/Abbott matter other than

4 comparing redacted and unredacted documents?

5 A. That's the only --

6 MS. COLLARI TROAKE: Same objection I had

7 before.

8 A. That's the only ongoing work that we're

9 performing.

10 Q. And would you consider that related to the

11 litigation between Hancock and Abbott, as opposed to the

12 contractual compliance audit?

13 A. I haven't formed an opinion what it's related

14 to, honestly.

15 Q. Who asked you to perform that work?

16 A. Choate Hall & Stewart.

17 Q. Have you provided any work product to Choate

18 Hall & Stewart relating to that comparison of redacted

19 and unredacted material?

20 A. We have not.

21 Q. Do you have plans to?

22 A. I don't know. The honest answer is, I don't

23 know. We started it. We haven't concluded it, so I'm

24 not sure what our ultimate findings will be.

1 Q. Has StoneTurn been provided with copies of  
2 documents that Abbott produced in the litigation?

3 A. StoneTurn has been given access, I guess some  
4 limited access to, for lack of better term, on-line  
5 database, of the litigation-produced documents.

6 Q. And to your knowledge, does that on-line  
7 database include all the documents that have been  
8 produced by Abbott in the litigation?

9 MS. COLLARI TROAKE: Objection; and I'm going  
10 to -- to the extent you know, but exclude anything  
11 that would reveal attorney-client privilege and  
12 work product.

13 A. I don't know if it includes absolutely  
14 everything because I know there's work product  
15 potentially in that, in the database, therefore, I know  
16 we were given some limited access. I'm not sure to what  
17 extent that access was limited, if it's limited to  
18 documents or whatnot.

19 Q. Do you know how many documents are in the  
20 database that you are referring to?

21 A. I don't.

22 MS. COLLARI TROAKE: Same objection.

23 A. I don't know how many documents.

24 Q. Does that database include documents that are

1 documents produced in the litigation versus the  
2 documents that StoneTurn copied during the audit?

3 A. No, that's not what I mean.

4 Q. How are you able to do a comparison of  
5 documents produced by Abbott, if you don't have copies  
6 of all the documents produced by Abbott?

7 A. Well, during the course of the audit, we did a  
8 very long index of the documents that we were reviewing.  
9 In the course of the audit, we essentially endeavored,  
10 and we explained this to Abbott at the outset, that we  
11 wanted to see all the documents that were available for  
12 the audit before we decided which particular documents  
13 we would use.

14 Similar to all the other procedures and  
15 all the other audits I have done for the most part, we  
16 wanted to see what the universe of information was  
17 before we decided which piece of information to use, so  
18 we created this index.

19 Q. And what type of information is on the index  
20 that StoneTurn created?

21 A. Well, description of the documents, if  
22 possible, the compound that relates -- that those  
23 documents relate to, the period of time that the  
24 document relates to.

1 Q. Any other information on the index?

2 A. In some instances, where the document was  
3 housed. I think we went to three different locations  
4 over the course of the audit to look at documents. In  
5 some instances, also the individuals' initials who  
6 reviewed the information, and also some indication of  
7 whether or not the document was -- copies were requested  
8 of the documents.

9 Q. Is there any other information on the index  
10 other than what you testified to?

11 A. To the best of my knowledge I think that's it,  
12 but if you show me the document...

13 Q. Approximately how many pages is the index  
14 created by StoneTurn?

15 A. Pages, gosh, I have no idea; probably 6,000  
16 lines on a spreadsheet.

17 Q. And is that one line per document?

18 A. It's one line per document or a set of  
19 documents. In many instances, there are significant  
20 sets of documents. For instance, there's a lot of  
21 filings of various entities that are very large chunks  
22 of documents.

23 So there might be one large item for each  
24 chunk of that document.

1 Q. So there isn't an entry on the index for each  
2 particular document made available by Abbott, correct?

3 A. I guess it depends on how you define document.  
4 In some instances, as I just indicated, one document  
5 might be a set of 50 chunks, and so we have 50 line  
6 items that might be -- that might comprise one line  
7 item.

8 Q. Are there line entries on the index that  
9 correspond to an entire box of documents?

10 A. That's a good reminder. Also on the index is  
11 the pallet in which we found the document and the box,  
12 unique identifier. Many of the boxes had unique  
13 identifying numbers; some did not. So we created a  
14 numbering system within each pallet.

15 And I'm sorry, now I've forgotten your  
16 question.

17 Q. I was asking whether certain of the lines on  
18 the index corresponded with a box of documents?

19 A. An entire box. I don't recall. I don't know  
20 if there was a chunk that would fill in an entire box.  
21 So I don't know if there would a whole line item that  
22 would equal one box.

23 Q. Do you know if that index created by StoneTurn  
24 has been produced in this litigation?

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1 A. I believe we gave it to counsel in response to  
2 the subpoena we were served. I'm not sure if it was  
3 produced.

4 MS. COLLARI TROAKE: Again, Eric, I think it  
5 was an agreement between StoneTurn and -- I'm  
6 sorry, between prior counsel and StoneTurn's  
7 attorney that there was communications between  
8 StoneTurn and Abbott which are going to be produced  
9 pursuant to the subpoena.

10 MR. LORENZINI: I'm not agreeing with that. I  
11 hear what you're saying, but I'm not sure that was  
12 the agreement.

13 (Interruption by court reporter)

14 BY MR. LORENZINI:

15 Q. Has the index that you have been referring to  
16 been provided to Choate Hall & Stewart?

17 A. Yes, it has.

18 Q. Has it been provided to John Hancock directly?

19 A. I don't know. I did not directly provide it  
20 nor did anyone at StoneTurn directly provide it to John  
21 Hancock.

22 Q. Who was involved in creating the index other  
23 than -- well, were you involved in creating the index?

24 A. Yes, I was.

1 Q. Was there anyone else involved?

2 A. Yes, there were various folks that looked at  
3 documents under my supervision throughout the course of  
4 the audit.

5 Q. Who were those other folks?

6 A. Mark Hair was one, Christopher Fern, Chris  
7 Sandman, Neil Zoltowski, Shelley Irvine, and Josh  
8 Dennis. I believe that's everyone.

9 Q. Are any of those individuals attorneys?

10 A. No, they're not, to my knowledge.

11 Q. Was there anyone else involved with the audit  
12 of Abbot other than the individuals you just mentioned?

13 A. Brian Napper was involved in the very early  
14 stages also.

15 MR. GRIESINGER: And you're saying from  
16 StoneTurn, right?

17 MR. LORENZINI: From StoneTurn.

18 A. Yes, Brian Napper I believe was the only other  
19 StoneTurn individual who was involved in any meaningful  
20 capacity.

21 Q. Did Mr. Napper, to your knowledge, review any  
22 documents made available by Abbott?

23 A. He reviewed documents on one particular day,  
24 but he did not index documents. We re-indexed the

1 things he was evaluating.

2 Q. Did he review documents at an Abbott facility?

3 A. Yes, he did.

4 Q. Do you know what day, approximately?

5 A. He was at the Abbott Mundelein facility, I

6 think it's High Street, on June 30th of 2004, the first

7 day of our -- the day we commenced our field work on the

8 audit.

9 Q. What did you understand to be the scope of the

10 audit that John Hancock was conducting of Abbott?

11 MS. COLLARI TROAKE: I'm just going to object.

12 Your answer should exclude anything that would

13 reveal attorney-client privilege or work product.

14 Aside from that, you can answer.

15 A. The scope of our audit was really laid out, I

16 think, as Schedule A to an April 12th, 2004 letter from

17 John Hancock to Abbott, where it lists a number of areas

18 where documents are being requested. So it really

19 related in a general sense to certain compliance by

20 Abbott of certain terms of the agreement between the two

21 parties.

22 MR. LORENZINI: I would like to mark as

23 Martinez Exhibit No. 2, a document with Bates

24 number JHII 011883 through 011886.

1 (Exhibit No. 2 Marked for Identification)

2 BY MR. LORENZINI:

3 Q. Do you recognize what's been marked as

4 Martinez Exhibit No. 2?

5 A. Yes, I do.

6 Q. What is it?

7 A. This appears to be the letter I was referring

8 to, the April 14, 2004 letter from John Hancock to

9 Abbott. I think notifies Abbott of the intention of

10 Hancock to exercise their audit rights under the

11 contract, including Schedule A, which as I said, was

12 what we were using our guidepost for our audit.

13 Q. And this letter and the attachment accurately

14 sets forth the scope of the audit requested by John

15 Hancock?

16 MS. COLLARI TROAKE: I'm going to object and

17 if you want to read the whole letter to satisfy

18 yourself to do that, but it is a four-page

19 document.

20 A. And I think one thing also, there's many

21 references to the contract between the two parties here.

22 So I would say this isn't quite a stand alone because

23 there's lots of language in the contract that would be

24 relevant here as well.

1 But I think, generally speaking, the  
2 scope was to evaluate compliance in a number of areas as  
3 outlined in Schedule A. I wouldn't say -- I wouldn't  
4 say this was the entirety of our instruction, but these  
5 were the main areas where we thought documents would be  
6 beneficial in evaluating that compliance.

7 Q. And the documents requested in Schedule A, you  
8 thought would be relevant to assessing compliance with  
9 the matters listed in numbers 1 through 7 of the letter?

10 A. Yes, in a general sense, that's correct, but  
11 we anticipated this to be a preliminary request. As in  
12 the normal course of the audits I've conducted for  
13 contract compliance, you make a preliminary request  
14 after looking at those documents and talking to the  
15 folks and asking questions, and there's usually a  
16 subsequent request as well that would help to get you to  
17 an opinion on contract compliance.

18 Q. And you mentioned previously that the purpose  
19 of the audit was to assess compliance with respect to  
20 certain contract provisions?

21 A. Yes.

22 Q. Are those the contract provisions described in  
23 numbers 1 through 7 of the April 12, 2004 letter?

24 A. Well, I would as say, 1 through 7 of this

1 letter don't all relate to contract provisions  
2 necessarily; No. 1, all program costs expended. There  
3 was, as I recall, from the contract itself, there's an  
4 annual research plan that was an addendum to the very  
5 first contract, and then was supposed to be produced by  
6 Abbott each year. I think in November/December time  
7 frame.

8 And so this item one relates to the costs  
9 that were reported in that annual research plan that was  
10 produced on an annual basis. So there's no contract  
11 provision per say here, but -- so there are other  
12 elements that are not necessarily called out in the  
13 contract provision that we were looking at.

14 Q. But you were looking at the contract  
15 provisions described in numbers 2 through 5 of this  
16 letter as well as the matters described in 1, 6 and 7 of  
17 this letter?

18 MS. COLLARI TROAKE: Objection. I'm not sure  
19 what you mean by looking at.

20 A. I'm sorry, what was the question?

21 Q. Was the scope of the audit, as you understood  
22 it, to assess Abbott's compliance with the contract  
23 provisions referenced in Nos. 2 through 5 of the  
24 April 12th, 2004 letter as well as to assess the matters

1 described in numbers 1, 6 and 7 of the letter?

2 A. I think -- and I'm trying to remember back to  
3 the actual contract. I think the contract language,  
4 paraphrasing here, it said something to the effect to  
5 look at document, to copy and to audit compliance with  
6 the contract. So I think these were the principal areas  
7 and the general areas we were looking at.

8 But I believe, and again, I'm not a  
9 lawyer, I'm not trying to interpret the contract, but I  
10 believe the rights were more broad and that this is  
11 where we were going to start our approach. These were  
12 the areas we were going to focus on initially.

13 Q. And did, to your knowledge, John Hancock or  
14 StoneTurn ever provide Abbott with notice of intent to  
15 audit Abbott with respect to matters other than those  
16 listed in No. 1 through 7 of this letter?

17 A. We never provided notice to audit. StoneTurn  
18 Group never provided notice to audit anything at all.  
19 We were always working through John Hancock and Choate  
20 Hall & Stewart.

21 Q. And you're not aware of any notice by John  
22 Hancock to expand the scope of the audit beyond what's  
23 listed in numbers 1 through 7 of the letter?

24 A. Well, I mean I recall a December 2004 meeting.

1 This is a good six months after we commenced our field  
2 work, a review of the documents at the Abbott facilities  
3 in Mundeleine, and thereabouts, that Brian Davis of  
4 Choate Hall & Stewart, myself, attorney, I think it was  
5 D'Amore, Steve D'Amore maybe, from Winston & Strawn sat  
6 down, I think it was December 12th, 2004; and we also  
7 discussed the scope of the audit at that meeting.

8 And there was also a representative from  
9 Abbott, Michelle Campbell, who was at the facility much  
10 of the time when we were reviewing documents in  
11 Mundelein.

12 Q. Did you discuss at that meeting any intent to  
13 assess Abbott's compliance with contract provisions  
14 other than those described in the April 12th, 2004  
15 letter?

16 MS. COLLARI TROAKE: Objection.

17 A. I'm not entirely sure we hit that head-on and  
18 honestly from a legal perspective, I don't know what  
19 constitutes, you know, disclosure, intent to go beyond  
20 that. I know that counsel was there, but it really  
21 wasn't my concern.

22 Q. Was the purpose of that meeting primarily to  
23 discuss the types of documents to be produced?

24 A. Well, I don't know what everyone's purpose was

1 at that meeting, but one of the things I hoped to  
2 accomplish at the meeting was to get Abbott focused on  
3 the documents that were real important to us that we had  
4 yet to see that were of interest to us. I believe at  
5 that point in time we had seen almost nothing that was  
6 of interest to us, in terms of completing our audit.

7 So we were trying to focus them on a  
8 course of production that would facilitate our  
9 conducting the audit.

10 Q. Did you have any direct contact with anyone at  
11 Hancock during the course of the audit of Abbott?

12 A. Direct contact, no.

13 Q. You never spoke with anyone at John Hancock  
14 during the entire audit of Abbott?

15 MS. COLLARI TROAKE: Objection. You can  
16 answer yes or no.

17 A. I believe I did speak with someone at audit at  
18 one point.

19 Q. Who was that?

20 A. Steve Blewitt.

21 Q. When did you speak with Mr. Blewitt?

22 A. I believe I spoke with Mr. Blewitt prior to  
23 our field work commencing in June, on June 30th of 2004.

24 Q. What was the subject matter of your

1 communications with Mr. Blewitt?

2 MS. COLLARI TROAKE: Objection --

3 MR. GRIESINGER: Can we get who else was on

4 the call or the meeting?

5 THE WITNESS: Brian Davis was there as well.

6 Q. And what was the general subject matter of

7 that communication?

8 MS. COLLARI TROAKE: I'm going to object to

9 that question, the way you formed it --

10 BY MR. LORENZINI:

11 Q. I don't want you to disclose the substance of

12 the communication but just the general topic.

13 MS. COLLARI TROAKE: I'm going to object. If

14 you want to ask him, did you talk about the audit?

15 He can answer that yes or no. But just ask him

16 what the general substance was, no.

17 BY MR. LORENZINI:

18 Q. Did you discuss the audit during that

19 communication?

20 MS. COLLARI TROAKE: You can answer that yes

21 or no.

22 A. Yes.

23 Q. Did you have any communications with Karen

24 Norton?

1 MS. COLLARI TROAKE: You can answer that yes  
2 or no.

3 A. I don't believe so, no.

4 Q. Did you have any communications with Pamela  
5 Memishian?

6 MS. COLLARI TROAKE: Same instructions.

7 A. No, I don't believe so.

8 Q. During the course of your audit of Abbott, who  
9 else did you speak with or communicate with at Choate  
10 Hall & Stewart other than Brian Davis?

11 MS. COLLARI TROAKE: Again, just list the  
12 people; nothing about any of the substance.

13 A. Okay. Karen Collari Troake, Joe Zwicker,  
14 Stacy Blasberg, Rich Abati. There was someone else  
15 early on. There was another gentleman early on that I  
16 don't recall his name.

17 Q. Are you familiar with someone named Michael  
18 Arthur Walsh?

19 A. That's it. That's correct. I think we did  
20 have some communication with him.

21 Q. During the period from April 12th, 2004  
22 through March of 2005, how frequently did you  
23 communicate with attorneys from Choate Hall & Stewart?

24 MS. COLLARI TROAKE: Objection. If you can

1 give an estimate, fine, you can answer.

2 A. I mean in some instances I would talk to them

3 once a week and in some instances I wouldn't speak with

4 them for a month. It just depended on what was going

5 on.

6 MR. LORENZINI: I think we need to stop and

7 change the tape.

8 THE VIDEOGRAPHER: This marks the end of tape

9 No. 1 in the deposition of Christopher A. Martinez.

10 Going off the record, the time is 11:09.

11 (Short Recess)

12 THE VIDEOGRAPHER: Back on the record. Here

13 marks the beginning of tape No. 2 in the deposition

14 of Christopher A. Martinez. The time is 11:18.

15 BY MR. LORENZINI:

16 Q. Mr. Martinez, during the course of your audit

17 of Abbott, what individuals at Abbott did you have

18 direct communication with?

19 A. Michelle Campbell, who was a paralegal worked

20 for Abbott, was out at the Mundelein site. There was

21 another paralegal by the name of Carey Crimmens that

22 later, I think in the 2005 time frame, was out at the

23 site when we were reviewing documents. And there was

24 another paralegal, Yolanda, and I don't know that I ever

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1 believe it was sort of stop and go, in terms of when we  
2 could go out right up to the week before. I think we  
3 had probably three or four's days notice before that  
4 30th date that we were actually going to be allowed to  
5 start to review the documents. So we had communications  
6 with counsel about that.

7 Q. About the logistics when and where to review  
8 the documents?

9 A. Yes.

10 Q. Who visited the Abbott facility on June 30th,  
11 2004?

12 A. I believe it was myself, Brian Napper,  
13 Christopher Fern and Christopher Sandman.

14 Q. And were all four of you there at the Abbott  
15 facility the first day, June 30th?

16 A. Yes, I believe so.

17 Q. After June 30th, did some of your team stay on  
18 to continue to review documents?

19 A. Yes.

20 Q. And did others depart after June 30th?

21 A. I think Brian Napper departed after June 30th;  
22 the three of us stayed on.

23 Q. Do you recall that on July 1st, you were not  
24 present at the facility reviewing documents?

1 Q. And did you review documents beyond July 7th  
2 during that return to the Abbott facility?

3 A. You mean --

4 MS. COLLARI TROAKE: Objection. I'm not sure  
5 what you mean.

6 BY MR. LORENZINI:

7 Q. Did you stay after July 7th at the facility?

8 A. Yeah, we were there more than just July 7th.

9 I'm trying to recall which facility. I believe in the  
10 course of July 2004, I visited three different  
11 facilities that Abbott had documents housed.

12 So I believe that on July 7th, we spent  
13 more time at that Mundeleine warehouse. I'm not sure if  
14 it was immediately thereafter, we went to the one of  
15 other facilities or not, but I remember being there for  
16 a better part of a week at or around the 7th.

17 I think the 7th was a Wednesday, so we  
18 probably stayed through Friday.

19 Q. Do you have timesheets reflecting your time  
20 spent reviewing documents at the Abbott facility?

21 A. Well, we don't -- we have -- we use an  
22 electronic time-keeping system, and I think during that  
23 period of our firm's life, we were using a -- one  
24 particular service. We didn't in the normal course of

1 business didn't print out our timesheets. So I don't  
2 know that I have copies and we since migrated to a  
3 different platform.

4 So I'm not sure I have timesheets for the  
5 whole period; actually probably for any of the period.  
6 I think we migrated this last summer to a new platform.

7 Q. How did you record time during 2004? Did you  
8 record it by hand or --

9 A. No, we put it on-line. It was an on-line  
10 service, an application service provider on-line that  
11 had, you know, time-keeping system that we paid for by  
12 the month by user.

13 Q. Did you spend invoices to Choate Hall &  
14 Stewart reflecting your time spent on the Hancock audit?

15 A. Yes, we did.

16 Q. And were those invoices reflect the time you  
17 spent reviewing documents at the Abbott facility?

18 MS. COLLARI TROAKE: Objection. You can  
19 answer that yes or no.

20 A. I don't know.

21 Q. Do you know if those invoices have been  
22 produced in this litigation?

23 A. I know that I provided them to Choate Hall &  
24 Stewart. I'm not sure if they have been produced to

1 you, to the other side.

2 Q. I just want to be clear, to the best of your  
3 recollection on the days that you were at the Abbott  
4 facility reviewing documents, during the end of June and  
5 early July, you arrived on June 30th, and present during  
6 that day in addition to yourself, was Mr. Napper,  
7 Mr. Sandman and Mr. Fern, correct?

8 A. Correct.

9 Q. The phone day, July 1st, do you recall being  
10 present?

11 A. I do recall being present.

12 Q. And who else was present during July 1st time?

13 A. I believe Mr. Fern and Mr. Sandman were also  
14 at the facility.

15 Q. Mr. Napper was not there on July 1st?

16 A. I believe he was not, that's correct.

17 Q. And you recall returning on July 7th to review  
18 documents?

19 A. 7th or thereabouts, yes.

20 Q. And do you recall Mr. Sandman being there with  
21 you?

22 A. I believe he was there, yes.

23 Q. And there was no one else present on the 7th,  
24 was there?

1 A. I don't. I don't recall. Mr. Fern might have  
2 been present as well. I can't remember.

3 Q. You can't remember one way or the another?

4 A. I can't remember one way or the other.

5 Q. And do you recall you did not review documents  
6 at the Abbott facility on July 8th?

7 A. No, I don't --

8 MS. COLLARI TROAKE: Objection.

9 A. -- I don't recall that.

10 Q. You don't recall taking a break for a day and  
11 returning on July 9th?

12 A. Well, I can't imagine why we would have done  
13 that unless it was at the convenience of Abbott because  
14 we wouldn't fly home for a day and then fly back; so no  
15 I don't recall that.

16 Q. I wasn't suggesting you would of necessarily  
17 flown home.

18 A. If there was -- and again, if there was a gap  
19 in our sequence of review, it would have been because of  
20 Abbott's -- at -- for Abbott's convenience.

21 Q. You don't recall one way or the other, though,  
22 whether there was a gap?

23 A. I believe there wasn't, but I don't recall one  
24 way or the other.

1 Q. Do you recall reviewing documents only in the  
2 morning from approximately 8:15 to 10:15 on July 9th?

3 A. At what facility?

4 Q. Mundelein.

5 A. Again, as I previously stated, we went to  
6 three facilities in total in July. I know we moving  
7 between facilities, so it's possible that we were at the  
8 Mundelein facility on the 9th for a couple of hours and  
9 then moved on to another facility.

10 I just don't know the specifics which  
11 days we went from where to where.

12 Q. Are you referring to the Northpoint Boulevard  
13 facility?

14 A. There was a Northpoint facility, yes, that was  
15 one of them.

16 Q. Do you recall that was a separate trip in  
17 mid-July?

18 A. I know there was another trip, yeah. There  
19 was a third trip, yes. I'm not sure, again, if it was  
20 that facility, but there was a third trip.

21 Q. And so on your initial two trips, at the end  
22 of June and early July, you just visited the Mundelein  
23 facility, correct?

24 A. Again, I know in the first trip I only visited

1   Mundelein. I can't remember if on the second trip or  
2   not, we visited -- there was Northpoint, and there was  
3   another facility as well, so...

4       Q. When did you visit that other facility?

5       A. I know I visited all three of the facilities  
6   in the course of July, and I believe I made three trips,  
7   so I know that we had -- I know we visited multiple  
8   facilities on certain trips.

9       Q. What was the name of the other facility you  
10   visited besides Northpoint Boulevard and Mundelein?

11      A. I don't recall, as I sit here. I do recall it  
12   was not in a very nice neighborhood. They told us to be  
13   careful going up there, and it was pretty far north. We  
14   thought we might be in Wisconsin or close to Wisconsin.

15      Q. And approximately when did you visit that  
16   other facility?

17      A. Well, it would been in one of my three trips,  
18   one of my first three trips. So, I believe there was a  
19   trip on June 30th that went early July. There was a  
20   trip on -- commenced on the 7th of July, and then there  
21   was another trip, I want to say, around the teens  
22   somewhere in July.

23      Q. And this facility, other than Northpoint and  
24   Mundelein, do you think that was during the June 30th

1 trip, the July 7th trip or the July -- the mid-July

2 trip?

3 A. It wasn't on the first trip, so it was either

4 on the second or third trips.

5 MR. LORENZINI: I would like to mark as

6 Martinez Exhibit No. 3, this document.

7 (Exhibit No. 3 Marked for Identification)

8 BY MR. LORENZINI:

9 Q. Do you recognize the document that's marked

10 Martinez Exhibit 3?

11 A. This appears to be an e-mail exchange between

12 myself and Michele Campbell.

13 Q. Does this refresh your recollection of the

14 date that you visited the Abbott Northpoint Boulevard

15 facility?

16 A. Yes, it looks like it would be -- I would have

17 to look at a calendar, but maybe the 19th or, you know,

18 I can see the dates of these e-mails, so yes.

19 Q. If you look at the second page of the

20 document --

21 A. I didn't realize, I'm sorry.

22 Q. It looks like July 16th was a Friday?

23 A. Okay.

24 Q. And then on the first page you state, We'll be

1 flying in on Monday morning so why don't you count on us

2 arriving at noon on Monday?

3 A. Okay. So that would be the 19th.

4 Q. Does that refresh your recollection you

5 reviewed documents at the Northpoint Boulevard facility

6 on the 19th?

7 A. Yes.

8 Q. And do you recall you reviewed documents for

9 one day?

10 A. I don't recall one way or the other on that.

11 Q. You don't recall --

12 A. If it was one day or -- no. We were up there

13 a fair bit, so there was a number of trips.

14 Q. But on that particular trip, you don't recall

15 staying for more than a day?

16 A. No, I don't. I don't recall one way or the

17 other.

18 Q. Going back to your initial visit to the

19 Mundelein warehouse, do you recall that Abbott produced

20 hundreds of boxes for your review during that visit?

21 A. Yeah, I believe there were 13 or 14 pallets

22 with documents stacked on them when we first arrived at

23 that facility in Mundelein.

24 Q. And approximately how many boxes were on each

1 pallet?

2 A. Gosh, I don't know, 25, 30, 40. They weren't

3 all consistently stacked.

4 Q. Do you know how many pages of documents were  
5 available for your review during that initial visit?

6 A. I can probably do the math and make some  
7 assumptions about number of pages per box; make some  
8 assumptions about how full each box was --

9 MS. COLLARI TROAKE: You shouldn't make an  
10 assumption. If you know, Chris.

11 A. I don't know.

12 Q. You didn't attempt to calculate -- to estimate  
13 the number of pages during that initial visit, did you?

14 A. No, we counted boxes and pallets.

15 Q. And how many -- do you recall the number of  
16 boxes you counted? I don't want your speculation but...

17 A. I think it was in the neighborhood of 400,  
18 maybe 450 boxes.

19 Q. And you personally reviewed some of the  
20 documents that were made available during that initial  
21 visit?

22 A. Yeah, I supervised everyone reviewing  
23 documents and I reviewed documents on my own as well.

24 Q. I take it during the initial visit, you didn't

1 have an opportunity to review every document in every  
2 box, correct?

3 A. No, we did not as a group or me individually.

4 Q. What was your methodology then in determining  
5 which documents that were made available to -- strike  
6 that.

7 What was your methodology in determining  
8 which documents to review?

9 A. Well, it was our intention to review all the  
10 documents. Again, as I had indicated previously, our  
11 approach was to understand the universe of documents  
12 that would be available for the audit; and in so doing,  
13 we created this index. And then once we knew everything  
14 that was going to be available, we would just determine  
15 which documents would best suit our needs, which  
16 documents, you know, we felt would be most helpful to  
17 ask questions about and so forth.

18 So in terms of our methodology when we  
19 addressed these 14 pallets of documents, we decided to  
20 just dive in. We each took different pallets and we  
21 started looking at it and indexing documents.

22 Q. Did you take a sampling approach of opening a  
23 box and pulling out random documents?

24 A. Yes, I spent probably the first half day sort

1 of perusing what was there. For instance, there would  
2 be an entire pallet that was, as I recall was, all  
3 payroll records, very fine detailed payroll records.  
4 And I looked at every box in this pallet just looking  
5 for summary-level information, but this was down to the  
6 level of, you know, Joe Smith charged four hours on  
7 December 7, and so forth.

8 So it was very fine detail that  
9 represented an entire pallet of boxes: I looked  
10 elsewhere and found, you know, other categories of  
11 documents, broad categories of documents, whether they  
12 be documentation related to clinical studies,  
13 documentation related to FDA filings, documentation  
14 related to meetings of the various clinical  
15 physicians -- various physicians conducting the clinical  
16 studies.

17 So I was basically looking for the  
18 interesting accounting information, and at that first  
19 pass I did not find it. So we just, during this course  
20 and others, began indexing.

21 Q. And when you mentioned that there was a pallet  
22 that contained payroll documents?

23 A. Yes.

24 Q. How many pages of documents in that pallet did

1 Q. John Hancock had requested, as part of the  
2 audit, that Abbott produce timesheets, payroll records,  
3 correct?

4 A. I believe so, yes.

5 Q. So it was not a surprise to you that Abbott  
6 had produced timesheets and payroll records, correct?

7 A. No, it was not a surprise.

8 Q. And it was not inappropriate for Abbott to  
9 produce that material in response to Hancock's request,  
10 right?

11 MS. COLLARI TROAKE: Objection.

12 A. I don't know if I have a basis for saying  
13 appropriate or inappropriate.

14 Q. But it was material you had requested,  
15 correct?

16 A. Yes, it was something we thought we might  
17 need.

18 Q. And after reviewing that pallet of payroll and  
19 timesheet records, did you determine that those  
20 documents were not needed?

21 A. No, I didn't.

22 Q. Did you determine that they were relevant to  
23 your audit?

24 A. I determined they might be relevant for our

1 audit testing once we received higher-level information.

2 Q. Did you make copies or request copies of any  
3 of the documents on that pallet that you determined  
4 consisted of payroll and timesheet records?

5 A. I'm not sure -- I think our audit approach, as  
6 I testified to, we wanted to see what was there before  
7 we started making wholesale copies. We may have  
8 copied -- and I'm not sure. We may have copied a  
9 one-off just to have an example of one of these payroll  
10 records.

11 But knowing they were there and having  
12 reviewed them and putting them in our index, it was  
13 clear that we could come back to them. And we were  
14 clear with Michelle Campbell that we intended to come  
15 back to documents after we knew what the full universe  
16 of the information available was.

17 Q. So you thought you might find the timesheet  
18 and payroll records useful at some future point in time?

19 A. Yeah, we anticipated getting higher-level  
20 accounting summary information that we could then use  
21 that detail payroll record information to -- for our  
22 audit testing.

23 Q. What do you mean by higher-level financial  
24 summary information?

1 A. Well, if you look -- referring back to the  
2 annual research plans that Abbott produced, they  
3 produced high-level information on their actual and  
4 projected costs. Now, their actual and projected costs  
5 were in millions and millions of dollars.

6 So what we anticipated was that there  
7 would be some summaries that would tie to the numbers  
8 that were included in the research plans, and then we  
9 could audit those summaries, meaning what portion of one  
10 particular line item was labor. And if there were labor  
11 subschedules, that we could then tie back to the detail  
12 of, you know, these 10 people worked on these two days  
13 to get up to that dollar value, and then tie it up.

14 And that's really the standard practice  
15 in audits is that while you want to have access to  
16 detailed information, you're not necessarily going to  
17 use every bit of it because we do our audit testing on a  
18 sample basis.

19 Q. You were mentioning before some of the types  
20 of documents that were available for your review?

21 A. Yes.

22 Q. That were amongst the approximately 450 boxes  
23 made available by Abbott during that initial production.

24 And I believe you testified that there

1 were documents relating to clinical studies, FDA filing  
2 documents, documents relating to meetings with doctors  
3 concerning clinical studies, there were payroll and  
4 timesheet documents?

5 A. Yes.

6 Q. What other type of documents did you review  
7 during that initial visit?

8 A. I think we saw one binder. It was called  
9 Project ODIN; which we honed in on because it was --

10 (Interruption by court reporter)

11 THE WITNESS: O-D-I-N, I believe.

12 A. It was very easy to look at these things  
13 because most of the information in these boxes were  
14 standard and consistent. And then when we'd come across  
15 something that was not part of a broader set, it was  
16 very obvious when we would come across.

17 So for instance, I think we found this  
18 binder project, ODIN Project, on the first day. It  
19 related -- I believe it related to out-licensing of the  
20 773 compound. I believe we waited close to a year to  
21 get a copy of that binder after flagging it on the first  
22 day we were there, and that's why that one stands out  
23 for me because I remember continually wanting to get  
24 that.

1 BY MR. LORENZINI:

2 Q. The process by which the drug interacts with  
3 the body to produce results?

4 A. I would say, that's outside of my area of  
5 expertise. What I recognize it as technical  
6 information. It didn't relate to -- and looking at  
7 Schedule 1, which is, again, our guidepost for the  
8 audit, at least a preliminary portion of the audit, we  
9 were looking for accounting records in Schedule 1 -- or  
10 Section A of Schedule 1 from Exhibit 2 here, is all  
11 accounting and cost information. And that was our  
12 primary emphasis in our initial evaluation.

13 There are other areas we were looking for  
14 and we kept in the back of our heads, but we were  
15 looking for all of these documents that were responsive  
16 to all of these requests throughout. And quite  
17 honestly, as we indicated in the call I think it was on  
18 June 7th with the Winston & Strawn attorneys, we are not  
19 technologists. We are not drug development experts.  
20 We're accountants. And we were coming in to look at  
21 evidence that would corroborate compliance by Abbott  
22 with the various terms of the contracts.

23 Q. Was there anyone on the team conducting the  
24 audit that had a medical degree?

1 A. No, and we were very clear with the Winston &  
2 Strawn attorneys that we were not adept in the science  
3 and technology of drug development; that we were  
4 accountants; that we were looking for the particulars --  
5 particular documentation that would support Abbott's  
6 contract compliance.

7 That's why we were a little bit surprised  
8 to see all that technical data and hundreds of boxes of  
9 technical data after not a month earlier telling counsel  
10 for Abbott that we didn't really have the expertise to  
11 evaluate that information.

12 Q. At the time of the audit was there anyone  
13 employed at StoneTurn who had a medical degree?

14 A. You mean a M.D.?

15 Q. Correct.

16 A. No.

17 Q. Was there anyone employed at StoneTurn who had  
18 a science degree?

19 A. I don't believe so. Well, I should say that  
20 bachelor of science is -- accounting is actually a  
21 bachelor of science in some universities, so I mean  
22 but --

23 Q. You understand by science, I'm referring to  
24 technical field, medicine, engineering, science, et

1 cetera?

2 A. Yeah --

3 MS. COLLARI TROAKE: I'm sorry. Would you

4 include computer science in there?

5 MR. LORENZINI: No.

6 A. Okay. Well, consistent with our discussion

7 with the Winston & Strawn attorneys on June 7th, we did

8 not have "science expertise".

9 Q. Was there anyone employed at StoneTurn at the

10 time who had prior employment experience in the

11 pharmaceutical industry?

12 A. I don't believe so, other than as consultants.

13 Q. Did the IND documents that you reviewed

14 contain information -- I understand now you don't have a

15 technical background, but just based on your layperson's

16 review of those documents, did they contain information

17 regarding the safety of the compounds?

18 A. Again, from a non-technologist, not a

19 technologist in this area, but different filings

20 contained different information. So at various phases

21 of approval of various drugs, there's different issues

22 at the crux. And some of them is toxicity and some of

23 them are dosage and some of them are trials in humans

24 and, you know, various status of them. I know that

1 much.

2 So I guess some of the IND documents

3 would likely have contained information about potency

4 and so forth.

5 Q. And did the IND documents contain information

6 regarding the efficacy of the drug compounds?

7 MS. COLLARI TROAKE: Objection.

8 A. They likely would have included information

9 related to all elements of the development of those

10 drugs depending on the particular filing that was being

11 made.

12 Q. What other type of documents did you review

13 during your initial visit to Abbott other than the ones

14 we've discussed, the out-licensing documents, the market

15 studies, the IND filings and updates, the payroll

16 records and the documents regarding clinical studies?

17 A. There was a lot of scientific literature also

18 included. It appeared, again surprisingly after telling

19 the Winston & Strawn attorneys that we weren't

20 scientists, that they had decided to produce the entire

21 scientific records behind particular compound

22 development.

23 So there was -- it looked like all of the

24 of scientific research upon which the new compounds were

1 being based, there were papers from Ph.D.s and doctors  
2 about -- and chemists and all these very technical  
3 scientific papers and there was extremely large volumes  
4 of those as well.

5 Q. What other type of documents did you review  
6 during your initial visit?

7 A. Generally speaking, without -- from my  
8 knowledge, as I sit here, that's pretty much the  
9 universe.

10 Q. Were there documents available that you recall  
11 regarding preclinical studies?

12 A. Yeah, I believe there were. I mean I think a  
13 lot of clinical studies included the preclinical because  
14 that I think was relevant to the clinical studies; and  
15 again, we're talking about various compounds that were  
16 in various stages of development.

17 Q. And did the documents you reviewed during that  
18 initial visit include information about the stage of  
19 development that the program compounds were in?

20 A. There was no, as I sit here, there was no  
21 information that said, you know, compound X, Y, Z is in  
22 phase two of clinical development on its face. You  
23 might come across a phase one study, but as you read  
24 that, you didn't know if it was in phase two, phase

1 three had been terminated as you sat and read one  
2 particular document.

3 Q. Were there other types of regulatory filing  
4 documents that you reviewed during that initial visit  
5 other than the INDs and the INDs updates?

6 A. There were many regulatory filings. As I sit  
7 here, I don't remember the titles and the nature of all  
8 of those.

9 Q. Do you remember if there were NDA filings?

10 A. I believe there were. That strikes a chord.

11 Q. And what does NDA stand for, if you know?

12 A. New drug something.

13 Q. Application?

14 A. Application; thank you.

15 Q. Did you review, during that initial visit,  
16 correspondence between Abbott or its agents and the FDA?

17 A. I don't remember that specifically, though, it  
18 wouldn't surprise me if that was part of what was there.  
19 There was a lot of FDA technical information and so it  
20 wouldn't surprise me if it was there.

21 Q. You mentioned there were documents available  
22 for your review concerning clinical trial -- clinical  
23 trials.

24 What type of documents specifically

1 relating to clinical trials were related to your review?

2 A. As I sit here, I remember there were a lot

3 of -- there seemed to be a lot of meeting notes related

4 to these conventions, if you will, of the various

5 physicians conducting the clinical trials. There were

6 the -- and I can't remember the name of the type of

7 person that did this, but there was someone at Abbott

8 that would coordinate these clinical trials, so they

9 would get all sorts of clinical results back from the

10 physicians for each of these particular trials.

11 And they all fell within a -- they fell

12 within a particular drug program, but then there were

13 any number of clinical studies within that drug program.

14 So they might relate to one compound, but there were

15 bunches of them, bunches of different studies. So then

16 you would have all of these coordinators' files, it

17 looked like. All of the feedback they were getting from

18 the physicians; the summary level, the interim summary

19 level, you know, some final reports, some interim

20 reports.

21 Q. Do you recall reviewing documents referred to

22 as investigator brochures?

23 A. That sounds familiar, yes.

24 Q. And did you review final clinical reports for

1 the program compounds? Let me define my term here.

2 Program compounds, you may recall, is a

3 defined term in the Research Funding Agreement between

4 John Hancock and Abbott?

5 A. Yes.

6 Q. You understand when I refer today to program

7 compounds, I'm referring to the compounds that are

8 within that define --

9 A. Yes, I do. I understand that.

10 Q. And do you recall reviewing final clinical

11 reports relating to the program compounds?

12 MS. COLLARI TROAKE: Do you mean with respect

13 to each and every program compound or just

14 generally?

15 MR. LORENZINI: Just generally.

16 A. I don't recall. There may well have been

17 final clinical studies, but as I said, there were --

18 there could have been hundreds of clinical studies for

19 each program compound that we saw. And quite honestly,

20 you're looking at one pallet and you're looking at many

21 boxes about one clinical study, and then there might be

22 five pallets away, there would be others.

23 So that's one of the reasons why we put

24 together the index, so we could look and see what we

1 had, in terms of those clinical studies.

2 Q. Do you recall reviewing documents made  
3 available by Abbott that were in the nature of monthly  
4 status or highlight reports?

5 A. What I do recall about certain monthly or  
6 quarterly status reports is that we had a very uneven  
7 sample of those that were provided. We found a few --  
8 for instance, we find one for one quarterly summary for  
9 one particular compound, but we wouldn't find the rest  
10 of the quarters for that particular compound nor would  
11 we find any summaries for certain other program  
12 compounds.

13 So we did find some quarterly or monthly  
14 summary-level information about the compounds, but we  
15 did not find a full set by any means of those documents.

16 Q. Of the monthly or quarterly status reports  
17 regarding compounds that you did review, what type of  
18 information was contained in those reports?

19 MR. GRIESINGER: Can we just be clear? Which  
20 visit are we talking about? All of them together  
21 now --

22 MR. LORENZINI: I'm just talking about the  
23 initial visit.

24 A. All right, I'm sorry. I've been speaking

1 generally about the whole shooting match; all the visits  
2 the seven or eight visits I was out there and the other  
3 visits. So from the very first, I'm sorry --

4 MR. GRIESINGER: In order to finish today,  
5 maybe you should talk about all of them and then  
6 get them over with.

7 BY MR. LORENZINI:

8 Q. Do you have a difficult time in your mind  
9 separating between what documents were available during  
10 your initial visit versus your later visit?

11 A. Well, I think my base of knowledge is  
12 cumulative. So initial visit, I remember we didn't get  
13 through everything. We looked at some things. You  
14 know, I came back the following week and looked at more  
15 information.

16 So cumulatively, I always had a running  
17 tab in my head of what we'd seen and what we'd seen that  
18 was going to be useful in the audit and what was not  
19 going to be useful. So, you know, specifically on a  
20 particular day, yeah, I don't recall exactly what I saw  
21 on June 30th. I know over the course of that month in  
22 July, we came to some conclusions based on what we saw,  
23 for instance.

24 Q. Let's stick for now with documents, to the

1 best you can recall, that you reviewed in June and July  
2 during your initial --  
3 A. Okay.  
4 Q. -- three visits to the Abbott facilities.  
5 A. Okay.  
6 Q. The documents that you testified to previously  
7 that you reviewed, do you believe all those type of  
8 documents were available during those initial visits?  
9 MS. COLLARI TROAKE: If you can recall, Chris.  
10 A. I can't recall. I mean I know I saw them in  
11 the end. I don't know which specific dates I saw them.  
12 Q. I just want to circle back to the monthly and  
13 quarterly reports that you reviewed.  
14 What type of information was contained in  
15 those reports?  
16 A. Well, they were different for the different  
17 compounds because I think the different drug groups,  
18 oncology versus psychology or psychiatry, had different  
19 forms of the report. So they would not necessarily  
20 contain consistent information.  
21 There was usually some cost information,  
22 though, about where they were in terms of costs; where  
23 they were in terms of certain technical milestones;  
24 where they were in terms of, I guess, business

1 milestones in terms of when was the next go, no-go  
2 decision on the compound.

3 Q. Any other information that you recall being  
4 contained in those reports?

5 A. That's all I recall, as I sit here.

6 Q. What do you mean specifically by cost  
7 information that was provided in those monthly or  
8 quarterly reports?

9 A. I remember this specifically because some of  
10 these reports were inconsistent with each other. We  
11 spent X dollars, you know, life to date or for this  
12 month or for this quarter. And we'd see other reports  
13 for the same compound for the same time period that  
14 would have different numbers.

15 So I remember that striking me, thinking,  
16 okay, here's some of these questions we need to ask the  
17 Abbott people to clarify which one of these is right?  
18 Which one of these is wrong? Are there different bases  
19 for incurring these costs? And consistent with lot of  
20 our questions and issues identified to Schedule A  
21 related to the basis of accounting that they were using  
22 for these compiling of numbers for the types of  
23 allocations they were using in the process of compiling  
24 these numbers.

1 someone like me has to go in and say, Gosh, you've got  
2 to compare these two documents. They're different. And  
3 someone, some accountant at Abbott, has got to tell me  
4 why those documents are different; why those numbers are  
5 different. So, I mean, I'm not --

6 Q. I just want --

7 A. I'm not trying to be evasive. On their face  
8 the documents speak for themselves.

9 Q. And the documents themselves contained what  
10 appeared to be information regarding expenditures by  
11 Abbott on the program compounds?

12 A. Albeit inconsistent information among  
13 documents, but...

14 Q. But they contained cost information?

15 A. They appeared to contain a summary of  
16 someone's interpretation of what costs were.

17 Q. Do you also recall reviewing annual reports  
18 regarding the program compounds?

19 MR. GRIESINGER: At the facilities as opposed  
20 to in the -- provided with the contract documents?

21 BY MR. LORENZINI:

22 Q. I'm referring to documents made available for  
23 your review by Abbott.

24 MS. COLLARI TROAKE: In June and July or --

1 MR. LORENZINI: Yes.

2 MS. COLLARI TROAKE: -- at any time?

3 MR. LORENZINI: Let's stick with June and  
4 July.

5 A. I'm sorry, so the question is?

6 Q. During your visits to Abbott in June and July,  
7 did you review and July reports regarding the program  
8 compounds?

9 A. I would have to refer to my index again,  
10 because again, I know we saw annual reports that have  
11 been produced to Abbott -- I mean to John Hancock by  
12 Abbott. You know, to be clear, I would have to look at  
13 my index and see if we did see those.

14 Q. You do recall reviewing annual reports  
15 regarding the program compounds that were produced by  
16 Abbott at some time?

17 A. Right, I'm not sure they were the same ones  
18 produced by Abbott to John Hancock and I reviewed them  
19 as part of the annual research plan because that's what  
20 that was, was a compilation of all the annual activity  
21 on these compounds.

22 Q. Do you recall during your visits to Abbott,  
23 reviewing minutes of meetings regarding the program  
24 compounds?

1 A. Again, I believe we saw, and again, I'm not  
2 sure we saw the meeting minutes as early as June and  
3 July, but ultimately, we did see meeting minutes; and we  
4 saw incomplete sets of meeting minutes.

5 So, say, this is the monthly meeting and  
6 we would have June and then we would have September and  
7 we were missing some, but I remember seeing some meeting  
8 minutes.

9 Q. In those instances where you didn't have  
10 meeting minutes for every month, did you have any  
11 personal knowledge of whether a meeting of that  
12 particular group occurred during the month in which you  
13 were missing meetings -- meeting minutes?

14 A. Well, I, in reviewing the documents it made  
15 reference to previous meetings for which there was no  
16 meeting minutes, so I guess personal knowledge, I wasn't  
17 at those meetings so I don't know, but I know the  
18 documents would make reference to other meeting minutes  
19 that weren't provided.

20 Q. You don't know personally whether those  
21 meetings occurred, though, he correct?

22 MR. GRIESINGER: We can stipulate he wasn't at  
23 the meetings at Abbott.

24 A. Yeah, I don't know.

1 MS. COLLARI TROAKE: He didn't work for Abbott  
2 and he wouldn't have been at the meeting.  
3 BY MR. LORENZINI:  
4 Q. Do you recall reviewing, during your visits to  
5 Abbott, case reports regarding program compounds?  
6 A. As I sit here, I don't recall if that was part  
7 of what I would consider the clinical packages and the  
8 brochures or not. I guess it's a definitional issue.  
9 If you show me one, I could let you know if I think I  
10 saw one.  
11 Q. During your visits to Abbott, did you review  
12 documents relating to each of the program compounds?  
13 A. In our index we were tracking the documents by  
14 program, and I know we saw some documents related to  
15 every program. Now, did we see the same documents for  
16 all the programs? I'd have to look at the index, and  
17 that would be actually a fairly lengthy evaluation.  
18 Q. But you saw some documents relating to each --  
19 A. I think we saw something related to every  
20 program, but there was a real inequity. In some cases,  
21 we'd see five pallets of technical documents supporting  
22 a particular program and in some cases, we would see  
23 something less.  
24 Q. And you, of course, had no knowledge of how

1 many documents existed in Abbott's files relating to  
2 each of the program compounds?

3 MS. COLLARI TROAKE: Objection.

4 BY MR. LORENZINI:

5 Q. No personal knowledge?

6 A. Yeah, I had no personal knowledge other than  
7 what was provided to us.

8 Q. During your visits to Abbott, did you review  
9 documents regarding the projected expenditures of Abbott  
10 on the program compounds?

11 MS. COLLARI TROAKE: Again, you said, Your  
12 Visits. Are we moving beyond June and July now to  
13 all visits?

14 MR. LORENZINI: Yes.

15 A. Again, I believe we saw pieces of paper that  
16 showed projections, but I'm not sure of the timing of  
17 this, but I believe, you know, later request by John  
18 Hancock and their counsel to Abbott, that Abbott said  
19 they had no information about the projections that --  
20 support for those projections that appear in their  
21 annual research plan.

22 So while I saw pieces of paper that  
23 showed some projected numbers, I think later Abbott said  
24 they didn't have that stuff.

1 Q. But you had reviewed documents produced by  
2 Abbott that reflected or appeared to reflect projections  
3 of expenditures on the program --

4 A. That might have had, appeared to, yeah;  
5 nothing deeper than a line item that said projected  
6 expenditures.

7 Q. During your initial visit, this June 30 to  
8 July 1st visit?

9 A. Okay.

10 Q. Did you create an index of documents you  
11 reviewed?

12 A. Yes, I did.

13 Q. And that's the index you described earlier  
14 that had a line either by box or by group or by  
15 document?

16 A. Yeah, it was an index that we all were  
17 creating, you know, jointly. We would each be looking  
18 at a particular pallet and set of boxes and be creating  
19 it and each evening, we would combine, so we ended up  
20 with one master index.

21 Q. And what methodology did you use for  
22 determining which documents to copy during that initial  
23 visit to the Mundelein facility?

24 A. Well, again --

1 Q. Some of the documents in what you were  
2 referring to --

3 A. Box 7 --

4 Q. Please let me finish the question, just for  
5 the clear record.

6 StoneTurn did eventually receive  
7 documents that were contained in what you were referring  
8 to as box 17?

9 A. When we received access to the on-line  
10 database documents produced in the litigation between  
11 Abbott and Hancock, we looked for some of those  
12 documents and found some of those documents, yes.

13 Q. When did you receive access to the on-line  
14 database of documents produced by Abbott in the  
15 litigation?

16 A. I believe it probably would have been this  
17 summer, summer of 2006, at some point; July, August,  
18 maybe.

19 Q. Prior to gaining access to the on-line  
20 database of Abbott documents, had you been provided with  
21 paper copies of documents produced by Abbott in the  
22 litigation?

23 A. I don't know. I don't know if I had been or  
24 not.

1 Q. But you definitely received documents produced  
2 by Abbott in the second litigation?

3 A. Yes.

4 Q. And you received those --

5 A. We had access to the database, yes.

6 Q. And you may have received paper documents as  
7 well?

8 A. Well, we could print from database, so we can  
9 convert the electronic to paper.

10 Q. What I'm getting at, before that database was  
11 created, do you know if Choate Hall & Stewart provided  
12 copies of documents produced by Abbott in the  
13 litigation?

14 A. I don't know. I don't know for sure.

15 Q. Going back to your selection of documents for  
16 copying in the initial visit to Abbott, what was the  
17 particular method you used to flag documents for  
18 copying?

19 A. We would, until we find a document we want in  
20 a particular box, we would, one, label the box very  
21 clearly so we could put it back where it went. Again,  
22 it was very important for us to make sure we could find  
23 these boxes later when we needed the documents.

24 So we would flag the box. The box would

1           There were other documents, I know.

2           That's what I recall, as I sit here.

3           Q.   You don't know if the ABT 518 documents were  
4           flagged during the initial visit or a subsequent visit?

5           A.   Yeah --

6           MS. COLLARI TROAKE: Objection.

7           A.   I don't recall that they were on that  
8           June 30th or July 1st or July 7th or July 19th.

9           Q.   Do you recall during the initial visit to  
10          Abbott, that you only requested approximately 900 pages  
11          of documents for copying?

12          A.   I don't recall the exact number of pages and,  
13          again, since we didn't receive most of those documents,  
14          I didn't even have the ability to count that. That  
15          wouldn't surprise me.

16          Q.   You reviewed the documents while you were  
17          there at the facility, correct?

18          A.   We reviewed the documents, yeah, but we didn't  
19          necessarily -- what we anticipated was they were going  
20          to turn around and give us the copies two or three days  
21          later. And so I didn't necessarily make a note, this is  
22          a 500-page document.

23                 For instance, I think the Project ODIN  
24          binder was probably -- it was one of those two-inch

1 binders or three-inch binders. It was big, and so was  
2 the Measure of Market. I don't know how many pages were  
3 in each of those documents. And quite honestly, we  
4 didn't receive either of those or maybe we received the  
5 Project ODIN binder much later, but --

6 Q. You did receive the Project ODIN binder from  
7 them?

8 A. I believe we did, but I would have to refresh  
9 my memory looking at my index, yeah, but I don't think  
10 we received the Measure of the Market binder.

11 Q. I just want you to focus on my question.

12 My question is, do you recall  
13 approximately how many documents you selected for  
14 copying during that initial visit?

15 A. How many pages or how many documents?

16 Q. Maybe it's best to think in terms of boxes.  
17 Was it approximately less than a box of documents that  
18 you selected for --

19 MS. COLLARI TROAKE: Objection. We went over  
20 this. What kind of box? How big a box of  
21 documents?

22 A. I mean, the thing is, it's hard to think of  
23 boxes in any sense because we were pulling documents  
24 from many boxes, and so I just -- I mean we did

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1 not pull -- we did not ask because we didn't want to be  
2 overburdensome, especially in light of not having the  
3 whole universe of documents available, so we didn't ask  
4 for a whole lot of documents per our strategy.

5 There were a number of documents. I  
6 don't know the pages or the -- again, I don't know how  
7 many pieces of paper fit into a three-inch binder, and  
8 so -- and I would call that binder one document, but  
9 someone else might call that multiple documents.

10 Q. And you've had a lot of experience with  
11 document management and review in litigation, correct?

12 A. I've reviewed a lot of documents, yes.

13 Q. In the type of boxes that were available for  
14 your review at Abbott, in your experience, approximately  
15 how many pages of documents do those boxes hold?

16 A. I don't know that. I don't know how much one  
17 bankers box holds.

18 Q. Are there any other documents that you recall  
19 requesting for copying during the initial visit other  
20 than the Project ODIN document, the Measure of the  
21 Market binder, and the annual IND filings for a  
22 particular compound?

23 A. I know there were others because there's a  
24 longer list than that, but I don't recall, as I sit

1 here, what those documents are.

2 Q. And if I represented to you that the amount of  
3 documents requested by you for copying during that  
4 initial visit was less than one box, would that be  
5 consistent with your recollection here today?

6 MS. COLLARI TROAKE: Objection. He already  
7 testified he doesn't recall the amount.

8 A. I don't know what the total volume, how much  
9 fit in the box, but it wouldn't surprise me we didn't  
10 again for hundreds and hundreds of documents.

11 MR. LORENZINI: What do you want to do about a  
12 lunch break?

13 MS. COLLARI TROAKE: I think it kind of  
14 depends on how much more you think you're going to  
15 have.

16 MR. LORENZINI: Enough for a lunch break.

17 MS. COLLARI TROAKE: Okay. Well, is this a  
18 good time to stop then?

19 MR. LORENZINI: Yeah, I think it's probably  
20 good for me.

21 MS. COLLARI TROAKE: Okay. Why don't we do  
22 that.

23 THE VIDEOGRAPHER: Going off the record. The  
24 time is 12:24.

1 (Lunch Recess)

2 THE VIDEOGRAPHER: Back on record. The time

3 is 1:26.

4 BY MR. LORENZINI:

5 Q. Good afternoon, Mr. Martinez.

6 A. Good afternoon.

7 Q. You testified earlier that you selected a  
8 relatively small number of documents for copying during  
9 your initial visit to the Abbott warehouse. When did  
10 you receive the first installment of documents that you  
11 had selected for copying during that initial June 30th  
12 to July 1st visit?

13 MS. COLLARI TROAKE: Objection.

14 A. I don't recall when we received the first  
15 wave. I do know, what does stick in my recollection, is  
16 that we didn't receive at least some of what we  
17 requested until -- we were re-requesting that  
18 information in October -- I'm sorry, December of 2004 as  
19 well.

20 Q. You did receive some of the documents you had  
21 selected for copying prior to December, however,  
22 correct?

23 A. Again, I'm not sure in what time frame we're  
24 talking about. If we're only talking about the

1 June/July 2004, I don't know precisely if there were  
2 documents we requested in June/July of 2004 that were  
3 received before December. I know there were certain  
4 documents we did request that did arrive before  
5 December. I'm not sure if those were documents we  
6 requested in August/September.

7 Q. Do you recall approximately when you received  
8 the first shipment of documents that had been copied by  
9 Abbott at your request?

10 A. I don't recall, as I sit here.

11 Q. You testified there was a third location that  
12 you visited in July, a location other than the  
13 Northpoint Boulevard and Mundelein facilities, correct?

14 A. Yes.

15 Q. And I think you couldn't recall the date of  
16 your visit?

17 A. I think I know that I had -- in June/July, I  
18 made three visits to that part of Chicago or Chicago  
19 metro-area, and quite honestly, I don't remember the  
20 Northpoint. I have a memory in my mind the different  
21 locations, but I don't remember which one of those was  
22 the Northpoint location.

23 Q. This other location, the one other than  
24 Northpoint and Mundelein, who visited that location

1 other than you, if anyone?

2 A. Well, again, I'm not -- I can't recall which  
3 one was Northpoint. I recall, obviously I recall, the  
4 High Street address in Mundelein. There's -- I'm not  
5 sure if the Northpoint was the one that was, I would  
6 say, in the bad neighborhood or not, but that was -- if  
7 that was the case, I was there with Christopher Sandman.

8 And I believe the other location, which  
9 was near Abbott Park, which I thought was an Abbott Park  
10 address, was also Chris Sandman and might also have been  
11 Christopher Fern.

12 MR. LORENZINI: I would like to mark a new  
13 exhibit.

14 (Off Record Discussion)

15 MR. LORENZINI: Can we get rid of Exhibit

16 No. 4?

17 BY MR. LORENZINI:

18 Q. Look at Martinez Exhibit No. 3. Does this  
19 refresh your recollection of the people from StoneTurn  
20 who visited the Northpoint facility?

21 A. Well, this would indicate that Christopher  
22 Sandman, Chris Fern and I were the ones that visited the  
23 Northpoint facility.

24 Q. Is that consist with your recollection?

1 A. Again, I don't have a direct recollection.

2 This indicated that was our intention.

3 Q. And you think the third location you visited

4 was a visit that only included you and Mr. Sandman; is

5 that correct?

6 A. I believe so, yes.

7 Q. And at this third location, were you there for

8 just one day?

9 A. I think we were there one day, yes.

10 Q. And do you recall how many boxes approximately

11 were available for your view at that third facility?

12 A. I don't recall. I don't have a number in my

13 head, no.

14 Q. Do you recall approximately how many pallets

15 of boxes were available?

16 A. Well, at the facility I'm thinking about, and

17 even at the Northpoint facility, they weren't

18 necessarily in pallets. They were being pulled from, it

19 looked like, long-term storage. And so they were

20 shoveled out to us in these carts of binders -- of

21 boxes; and I mean, we were there for a day.

22 I don't know. I don't know the number.

23 Q. And what type of documents were available at

24 this third facility?

1 MS. COLLARI TROAKE: On that day?

2 MR. LORENZINI: On that day.

3 A. I think the same. They would fit into the

4 same categories that I've already testified to,

5 technical information --

6 Q. The monthly --

7 A. -- FDA filings. I want to say these struck me

8 more as -- as not the monthly status reports, so much as

9 the groups of big chunks of documents, such as the FDA

10 filings, whatever they might have been, the technical

11 papers, that sort of thing.

12 Q. Do you know if the documents made available at

13 that facility were specifically documents that Abbott

14 was required to maintain for compliance with FDA

15 regulation?

16 A. I don't know that.

17 Q. Did you select any documents at this third

18 facility for copying by Abbott?

19 A. I don't recall whether I did or not.

20 Q. How many hours did you spend at that third

21 facility reviewing documents?

22 A. We were there for at least a portion of the

23 day. I'm not sure how large a portion of the day that

24 was.

1 Q. Less than full day?

2 MS. COLLARI TROAKE: Objection. What's a full  
3 day?

4 BY MR. LORENZINI:

5 Q. Less than an eight-hour day.

6 A. I don't think I was there eight hours, no.

7 Q. Did you have any communications with anyone  
8 from Abbott while you were on your visit to this third  
9 facility?

10 A. Well, I think -- you mean while I was at this  
11 third facility? I know at that point in time, I was  
12 communicating with Michelle Campbell. I don't believe  
13 Michelle was at that facility.

14 Q. Do you recall if anyone from Abbott was at  
15 that third facility?

16 A. Somebody must have been there. I can't  
17 imagine that it was an empty facility. It might have  
18 just been people that controlled the access. It  
19 certainly wasn't anyone that was going to give us any  
20 substantive help on the documents.

21 Q. And you don't recall any communications with  
22 Abbott employees while you were at that third facility?

23 A. Not -- we may have well have -- and I did at  
24 times call Michelle Campbell. I imagine we probably

1 facility was the Northpoint facility?

2 A. I'm going to guess that -- okay; this is the  
3 one -- I guess based on the fact she's got a phone  
4 number and extension, this is not the facility that was  
5 in the bad neighborhood. This is the facility that I  
6 believe was near Abbott Park in their main headquarters.  
7 I remember that because that's where I had gone to the  
8 main headquarter buildings for the earlier audit I had  
9 done with Abbott.

10 Q. Okay. Now that we're clear on that, do you  
11 recall whether you spent a full day at the Northpoint  
12 Boulevard facility on July 19th?

13 MS. COLLARI TROAKE: Objection.

14 A. I don't recall if we spent a full day or not.

15 Q. You didn't spend more than a full day there,  
16 correct?

17 A. I don't know. I don't recall.

18 Q. Do you recall how many boxes of documents were  
19 made available to you on July 19 at the Northpoint  
20 facility?

21 A. I don't specifically, no.

22 Q. Do you recall the approximate number of  
23 pallets that were available?

24 A. Well, again, I don't think these were

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1 delivered to us on pallets. The Mundelein -- this was a  
2 different sort of facility. The Mundelein facility was  
3 this big warehouse. I believe Northpoint was not in the  
4 same -- more of an office complex.

5 So there wasn't a place for pallets  
6 necessarily, to my recollection, but there were a number  
7 of boxes.

8 Q. Do you recall if there were hundreds of boxes  
9 available for your review at the Northpoint facility?

10 MS. COLLARI TROAKE: Objection.

11 A. Again, I don't have a recollection of the  
12 volume.

13 Q. It's possible there were hundreds of  
14 documents -- hundreds of boxes available?

15 MS. COLLARI TROAKE: Objection.

16 A. There were a fair number of documents. I just  
17 don't have a recollection of the volume. I can't  
18 picture it in my head.

19 Q. Do you think it was more than a hundred boxes?

20 MS. COLLARI TROAKE: Objection.

21 A. I don't know.

22 Q. Did you review all of the documents that were  
23 made available on July 19?

24 A. Well --

1 MS. COLLARI TROAKE: Objection. You mean him  
2 personally or him and the other individuals who  
3 were there?

4 BY MR. LORENZINI:

5 Q. Did you and Mr. Sandman and Mr. Fern review  
6 all of the documents that were made available on  
7 July 19?

8 A. Again, we completed our review of those  
9 documents. If it was on July 19th and July 20th or just  
10 July 19th, I know we wouldn't have left documents  
11 unreviewed in the course of our work there.

12 Q. You didn't look at every page of every  
13 document, I assume?

14 A. Well, again, it was -- I was supervising the  
15 review, and so Mr. Sandman and Mr. Fern were looking at  
16 documents. And we all were under clear direction,  
17 everyone was under clear direction, to be looking out  
18 for documents that were clearly responsive to Schedule  
19 A, and in particular responsive to Schedule A, part one.

20 And so I know over the course of all of  
21 the reviews, I would be called over, and they'd say,  
22 Hey, did you see this stuff? What do you think of this?  
23 Is this, you know, interesting, not interesting, you  
24 know?

1           So we actually were fairly thorough in  
2           our evaluation of the types of documents we were seeing.  
3           A lot of times, and I know probably the case here as  
4           well, we would see similar types of documents, the same  
5           forms of the documents we had seen back in the Mundelein  
6           facility. And we would say, Oh, those are IND filings  
7           or those are technical papers.

8           So at some level we reviewed all of the  
9           documents that were at that facility.

10          Q. Within the time you had available?

11          A. Within the time that we needed. We had as  
12          much time as we needed, it was my understanding.  
13          Sometimes we were asked to come back.

14          Q. But you don't recall if you spent more than a  
15          day at that facility?

16          A. I don't recall if we spent more than a day  
17          there.

18          Q. Were the types of documents that you reviewed  
19          at the Northpoint facility similar to the documents that  
20          you testified previously you reviewed at the Mundelein  
21          facility and the third location?

22          A. Yes, again, I think those -- my recollection  
23          of the documents is sort of cumulative recollection. So  
24          either all or some subset of other documents types I had

1 previously identified were at the Northpoint facility.

2 Q. Do you recall how many documents you selected  
3 for copying at the Northpoint facility?

4 A. I don't recall, as I sit here.

5 Q. Do you recall if you selected any for copying?

6 A. I don't recall.

7 Q. Do you recall -- this question covers your  
8 visits to all three facilities in June and July. You've  
9 testified to various types of documents that were  
10 available for your review during that time, including  
11 monthly reports, IND statements, et cetera.

12 Did you also, during that June/July  
13 period, review any contracts related to the development  
14 of the program compounds?

15 A. There were contracts related to the clinical  
16 studies. Those were on a very microlevel, as I recall,  
17 because they were with particular doctors who were  
18 conducting the studies. I want to say there were --

19 So there were contracts that we looked at  
20 on some level.

21 Q. During those visits in June and up through  
22 July 19th, did you review documents that reflected the  
23 protocol for clinical studies?

24 A. Again, I believe we did see -- and again, I

1 believe it was through the July 19th time period, but we  
2 did see technical documents that talked about how the  
3 clinical studies should be undertaken, and a lot of that  
4 information was included in these conference packages  
5 that were put together and held amongst the clinical  
6 physicians -- physicians conducting the clinical  
7 studies.

8 Q. And those documents reflected the methodology  
9 to be employed in the clinical studies?

10 A. Honestly, I don't feel competent to evaluate  
11 exactly what -- I don't know if it was a methodology, if  
12 it was an outline, if it was a summary; just not my area  
13 of expertise.

14 Q. And you weren't focused at that time on those  
15 type of documents, correct?

16 A. Well --

17 MS. COLLARI TROAKE: Objection.

18 A. -- I think throughout, we were focused on the  
19 entirety of the contract compliance evaluation. What we  
20 were focused on is gaining an understanding of what was  
21 at that facility, so we would have the ability to come  
22 back to those documents once we understood the entire  
23 scope of the information available that would be at our  
24 disposal in order to conduct the audit.

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1 being conducted in, in some location of that region.

2 Q. And did you review during that time, June/July  
3 period, minutes of those types of meetings?

4 A. I don't know that I did during that time  
5 period. I don't know one way or the another if I did or  
6 didn't.

7 Q. Did you review during that June/July period,  
8 presentations that were prepared, that appeared to have  
9 been prepared, for those type of meetings?

10 A. I know ultimately I did see that type of  
11 information, I'm not sure if it was in that time period.

12 THE VIDEOGRAPHER: This marks the end of tape  
13 No. 2 in the deposition of Christopher A. Martinez.  
14 Going off the record. The time is 1:53.

15 (Short Recess)

16 THE VIDEOGRAPHER: Back on the record. Here  
17 marks the beginning of tape No. 3 in the deposition  
18 of Christopher A. Martinez.

19 The time is 1:56.

20 BY MR. LORENZINI:

21 Q. Mr. Martinez, I just want to recap a little  
22 bit regarding your visits to the three Abbott facilities  
23 in June and July. You've testified that during those  
24 visits you reviewed documents -- let me see if I have a

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1 complete list here, but that included periodic status  
2 reports regarding the program compounds, regulatory  
3 filings regarding the program compounds, including INDs  
4 and NDAs, documents regarding preclinical studies of the  
5 program compounds, documents regarding the clinical  
6 trials of the program compounds, including documents  
7 reflecting the protocol or methodology for such studies,  
8 documents regarding out-licensing program compounds,  
9 documents regarding market studies relating to the  
10 program compounds, scientific literature regarding the  
11 program compounds, payroll information, minutes and  
12 notes of meetings regarding the program compounds,  
13 contracts regarding clinical studies of the program  
14 compounds, documents reflecting expenditures on program  
15 compounds, and documents reflecting projected  
16 expenditures on program compounds.

17 Is that a complete list to the best of  
18 your recollection of the type of documents you recall  
19 you reviewed during that June/July period?

20 MS. COLLARI TROAKE: Objection.

21 A. I mean I think it somewhat mischaracterizes,  
22 for instance, the -- we didn't really see documents that  
23 reflected costs or projected costs. We saw documents  
24 that, in theory on their face, stated the costs were X,

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1 but we didn't see any cost data. I don't want to  
2 mischaracterize I saw a lot of cost projection or actual  
3 data.

4 But otherwise, I mean, those are the  
5 general categories of documents, as I sit here today,  
6 that I believe we saw during that time period.

7 MR. LORENZINI: I would like to mark as the  
8 next exhibit another document with Bates ABBT 117  
9 through 11 -- strike that -- through 123.

10 (Exhibit No. 4 Marked for Identification)

11 A. Okay. I've looked at this document.

12 Q. Do you recognize the document marked as  
13 Martinez Exhibit 4?

14 A. I don't recognize it specifically, but I see I  
15 was CC'd on it. I probably saw it.

16 Q. Had you seen this document prior to today?

17 A. Again, I don't recall specifically seeing it,  
18 but it doesn't look -- I'm CC'd on it, so I imagine I  
19 did see it. I usually get my mail.

20 Q. Do you recall reviewing this document -- let  
21 me just describe for the record what it is, first.

22 This appears to be a July 28, 2004 letter  
23 from Karen Clarey, Choate, to Lawrence Desideri with an  
24 attachment and there's a CC to Mr. Martinez among

1 and conduct of the research program, including, but not  
2 limited to, and it lists several types of documents  
3 relating to the implementation and conduct of the  
4 research program?

5 A. Mm-hmm.

6 Q. And 2A, for example, includes reports,  
7 updates, summaries prepared by Abbott in the normal  
8 course of managing the development of the program  
9 compounds?

10 A. Yes.

11 Q. You just testified a moment ago that during  
12 your June and July visits to Abbott, Abbott made  
13 available hundreds of boxes of documents which included  
14 periodic static reports for the program compounds,  
15 regulatory filing information for the program compounds,  
16 documents regarding clinical trials of the program  
17 compounds, notes and minutes of the meetings regarding  
18 the program compounds, scientific literature regarding  
19 the program compounds, market studies concerning the  
20 program compounds.

21 Would you agree with me that those type  
22 of documents are responsive to 2A of Schedule A?

23 MS. COLLARI TROAKE: Objection to the extent  
24 it mischaracterizes his prior testimony.

1 A. I think what we were driving at here is that  
2 there was nothing meaningful for the purposes of  
3 verifying contract compliance that had been produced --

4 Q. That wasn't my question.

5 A. -- on Schedule two.

6 Q. Would you agree with me that the documents I  
7 just listed, that you were reviewed by you in June and  
8 July, are responsive to 2A of Schedule A?

9 A. I think some of them might be responsive and,  
10 again, with the caveat that when I listed the documents  
11 that I believe we received, I previously testified that  
12 was sort of a cumulative effect of my understanding of  
13 the documents we received.

14 Q. You also testified that those documents -- I  
15 understand you were unclear whether they were available  
16 during your initial visit or your second visit.

17 You did testify just a moment ago that  
18 all those documents were made available to you during  
19 June and July?

20 A. I'm just trying to clarify the record that  
21 again, you know, I saw those documents ultimately. I'm  
22 just not sure as to the exact timing.

23 Q. Those documents that I've just listed a moment  
24 ago concerning Abbott's activities with respect to

1 We didn't see any support for that information nor was  
2 that information consistent with the information  
3 provided in the annual research plans from Abbott to  
4 John Hancock.

5 So again, that doesn't -- it constituted  
6 no more evidence than we had before we even walked into  
7 Abbott.

8 Q. You didn't have those documents before you  
9 walked into Abbott, did you?

10 A. We didn't have any Abbot documents other than  
11 the annual research plans.

12 Q. And after walking into Abbott, you did see  
13 documents that had a reference to projected  
14 expenditures, correct?

15 A. I believe we did --

16 MS. COLLARI TROAKE: Objection.

17 A. -- and again, I'm not sure of the timing, but  
18 we ultimately did see that. It had a number.

19 Q. Could you look at Schedule A, No. 1L?

20 A. Yes.

21 Q. Under this request by John Hancock, there's a  
22 request for underlying supporting records; for example,  
23 timesheets, payroll records, purchase orders invoices,  
24 et cetera, for all expenditures made related to each

1 program compound?

2 A. Yes, I see that.

3 Q. You did receive documents responsive to this

4 request 1L during June and July, correct?

5 A. We received timesheets and payroll records for

6 a portion of the period that we were looking at.

7 Q. Did you also receive purchase orders and

8 invoices?

9 A. In what time period are you talking about?

10 Q. June and July.

11 A. I'm not sure that we did at that point in

12 time.

13 Q. You did eventually get those types of

14 documents?

15 A. Again, we got some documents that would fall

16 under those categories. We certainly didn't get the

17 universe of documents that would cover the whole period

18 of time we were evaluating or all the compounds we were

19 looking at.

20 Q. Do you recall at one point during the audit

21 you asked Abbott to stop producing this type of

22 low-level documentation of expenditures?

23 A. I don't recall specifically making that

24 request, but I think during that December 2004 meeting,

1 we tried to focus Abbott again on what was going to be  
2 the most beneficial for purposes of the audit; and  
3 again, until we had some summary-level information  
4 giving us all the detail in the world didn't further the  
5 cause of the audit.

6 Q. So is that a yes, that you did ask Abbott to  
7 stop producing?

8 A. I don't recall --

9 MS. COLLARI TROAKE: Objection.

10 A. -- that I think we raised that issue. I know  
11 I point blank never asked Abbott to stop producing  
12 anything.

13 Q. Do you recall that someone at StoneTurn asked  
14 Abbott to stop producing these type of documents?

15 A. I guess I can't speak from personal knowledge  
16 for anyone that works for me, but I don't believe anyone  
17 that worked on this engagement would have made that  
18 request.

19 Q. You don't know if Choate Hall & Stewart made  
20 that request?

21 A. I don't know if Choate, Hall & Stewart made  
22 that request.

23 Q. Could you take a look at Schedule A, 1G?

24 A. Yes.

1 Q. 1G states: Contracts or other governing  
2 documents and information related to all research  
3 program activities performed by subcontractors.

4 You testified a moment ago that during  
5 June and July Abbott produced contracts relating to the  
6 clinical studies of the program compounds?

7 A. Yes, in some instances, I believe there were  
8 contracts, yes.

9 Q. And those types of documents were responsive  
10 to 1A, correct -- I'm sorry, 1G. Let me restate the  
11 question.

12 Those types of documents, those contracts  
13 relating to the clinical trials, were responsive to 1G  
14 of Schedule A, correct?

15 A. Yeah, and again, it would be a timing issue of  
16 when we actually saw those.

17 Q. But you did testify a moment ago, you saw them  
18 in June and July?

19 A. Again, I'm trying to clarify my recollection,  
20 but at some point we saw -- at some point in the course  
21 of reviewing the Abbott documents, we saw some  
22 contracts. We certainly didn't see a complete set nor  
23 did we see them organized in a way that would lend  
24 itself to summary.

1 Q. Could you take a look at the April 12th letter  
2 that's attached to the July 28th letter that's been  
3 marked as Martinez 4?

4 A. Yes.

5 Q. If you look at No. 1 of the letter, it states  
6 that Hancock's audit relates to the following matters:  
7 And No. 1 is, all program-related costs expended by  
8 Abbott during each program year?

9 A. Yes.

10 Q. You had received information relating to  
11 program-related costs by the time this July 28th letter  
12 was sent, correct?

13 MS. COLLARI TROAKE: Objection.

14 A. Well, again, we received payroll records which  
15 would indicate costs. What we didn't receive, which was  
16 interesting here, we never received, and we continually  
17 repeated the request, and I think it's in here Schedule  
18 A, Section 1B, chart of accounts.

19 So we had -- chart of accounts is  
20 essentially a document which will translate the codes  
21 that people code their time to, to which project  
22 compound they were working on. So I had a pallet full  
23 of cost records that I assume they wouldn't have  
24 produced if they didn't relate to the compounds, but I

1 had no way to translate which people's times and what  
2 they were coding their time to, related to which  
3 compound or at all to any of compounds.

4 So I would say there was cost information  
5 there. They just didn't provide us, one, the  
6 summary-level information that would allow a more  
7 expedient and really more logical review of that  
8 information nor two, did they provide us this decoder or  
9 chart of accounts that would allow us to make any sense  
10 of the cost information they gave us.

11 So, you know, we did see some cost  
12 information. We just didn't have any way to make sense  
13 of it.

14 Q. Do you know if Abbott had this decoder that  
15 you're referencing?

16 MS. COLLARI TROAKE: Objection.

17 A. I can say equivocally as an accountant that  
18 some accountants, they don't run their business without  
19 a chart of accounts. It's impossible to run their  
20 accounting system without a chart of accounts.

21 Q. If you look at the letter, the April 12th  
22 letter, No. 5?

23 A. Yes.

24 Q. It states that within the scope of the audit

1 is compliance by Abbott with its obligation to

2 out-license or divest these compounds --

3 A. Yes.

4 Q. -- to third parties?

5 Abbott did produce to you during June and

6 July, documents regarding the out-licensing of program

7 compounds, correct?

8 A. I think we did get that Project ODIN binder,

9 which I believe was related to out-licensing of the 773

10 compound.

11 Q. And the documents that had been produced to

12 you prior to July 28th, included documents reflecting

13 the status of the program compounds?

14 A. Again, there was no summary-level information.

15 So, for instance, I might see a phase one summary-level

16 study, but then I would have to sort of piece together

17 what was in the other 14 pallets of information, to find

18 out if there was a phase two.

19 So there was no status at various points

20 in time relative to a particular compound. Maybe the

21 information might have been there to piece that

22 together, but what we were asking for was summary level

23 information.

24 Q. You testified previously that Abbott had

1 produced to us monthly and other periodic reports

2 regarding the program compounds.

3 Would you not consider a monthly report a

4 summary-level document?

5 A. We received summary-level documents, but they

6 were incomplete, and we didn't know -- and they weren't

7 of the time frames we were asking for. So if you see a

8 summary-level document for January of 2002, and then you

9 don't see another one, and you only see them for certain

10 compounds, I would say that there might have been some

11 information there, but certainly not information upon

12 which to draw conclusions.

13 Q. What -- were there any compounds in particular

14 that you recall not receiving any monthly or periodic

15 status reports for?

16 A. I don't recall, as I sit here.

17 Q. Do you recall with any specificity, any

18 greater specificity than what you already testified to,

19 what monthly reports you believed were missing?

20 A. Do I recall knowing which ones were missing?

21 Yes, I do recall knowing which ones were missing, though

22 as sit here, I don't remember which ones those were.

23 Q. You don't remember the months and the years

24 that you did not --

1 A. I don't remember the specific months and  
2 years, though, we put together a chart at one point --

3 Q. Do you still have that chart?

4 A. -- that showed it.

5 I know subsequent to the subpoena, we  
6 provided it to counsel.

7 Q. Do you know if that's been produced in this  
8 litigation?

9 A. I don't know.

10 Q. You had received by July 20th, 2004, documents  
11 reflecting Abbott's development of the program compounds  
12 generally, correct?

13 MS. COLLARI TROAKE: Objection.

14 A. We had received information related to each of  
15 the compounds, yes.

16 Q. Including Abbott's efforts to develop those  
17 compounds, correct?

18 A. I believe included in some of those documents  
19 were like, for instance, there's some documents like the  
20 technical papers upon which the genesis of some of these  
21 ideas were based, I guess would be construed -- to be  
22 construed in one way or another, as their efforts.

23 Q. Just to take an example, documents reflecting  
24 clinical trials of the program compounds, those

1 reflected Abbott's efforts to develop the program

2 compounds, correct?

3 A. The fact they're conducting clinical trials

4 would go toward their development of the compound.

5 Q. Did you review any documents produced by  
6 Abbott during the June and July period that related to  
7 substitution by Abbott of one compound for a program  
8 compound?

9 A. No, I don't believe we did.

10 Q. Were such documents provided, to your  
11 knowledge, at a later date?

12 MS. COLLARI TROAKE: Objection. You mean  
13 provided for their review in the audit?

14 MR. LORENZINI: Correct.

15 A. I don't believe such documents were provided  
16 during the course of the audit to StoneTurn.

17 Q. And that's based on your personal review of a  
18 portion of the documents produced?

19 A. Yeah, it's based on my review and my -- it's  
20 based on my review of specific documents. It's based on  
21 my management of others in my organization reviewing  
22 those documents and my close contact with the  
23 individuals during the course of that review.

24 Q. What was the time frame, if you know, of the

1 continually asking for when the next installment and  
2 asking Michelle when the next installment of documents  
3 would be ready.

4 Q. That wasn't my question.

5 My question was, when was your next visit  
6 to Abbott?

7 A. I'm sorry, I'm just trying to use that as a  
8 reference point for me to recollect the timeline. My  
9 next visit to Abbott was probably the December meeting.  
10 I believe we had a couple of other visits, I think in --  
11 maybe it was September, October, and then one in  
12 November of other StoneTurn individuals.

13 MR. LORENZINI: I would like to mark a new  
14 exhibit.

15 (Exhibit No. 5 Marked for Identification)

16 BY MR. LORENZINI:

17 Q. I marked as Martinez Exhibit No. 5, an e-mail  
18 chain beginning with an e-mail to Chris Martinez from  
19 Michelle Campbell dated August 31, 2004.

20 Do you recognize this e-mail chain?

21 A. This is a piece of what I was referencing in  
22 my last answer relating to our back and forth. We kept  
23 trying to get out there -- StoneTurn kept trying to push  
24 Michelle Campbell to allow us to review the documents

1 that were available at this point in time and figuring  
2 out how much was available.

3 Q. And there was a need to reschedule because  
4 Michelle Campbell had a physical therapy appointment; is  
5 that consistent with your recollection?

6 A. Yeah, that's what this document says. And I  
7 know that I'm looking back at the very first e-mail in  
8 this chain, the August 26, she says, I'm sorry for delay  
9 in responding. And I'm at six boxes now. May have one  
10 or two more by mid-next week.

11 So we were shooting to get out there to  
12 review those documents, and I know it was well before  
13 the 26th of August.

14 Q. What was well before the 26th of August?

15 A. Well, we were engaged, I think even from late  
16 July, in the communication with Michelle about when the  
17 next wave of boxes would be available for review.

18 Q. And so, just to be clear, you do remember  
19 receiving and sending the e-mails in this chain?

20 A. I don't remember specifically sending or  
21 receiving them. This looks like my words.

22 Q. And that is your e-mail address  
23 cmartinez@stoneturn.com?

24 A. Yes, it is.

1 Q. You'll see that the second e-mail down in the  
2 chain states that --

3 MS. COLLARI TROAKE: Could we just, so the  
4 record is clear, could you give the Bates number of  
5 the page you're referring to?

6 MR. LORENZINI: ABBT 257.

7 MS. COLLARI TROAKE: Thank you.

8 BY MR. LORENZINI:

9 Q. This is an August 31, 2004 e-mail from you to  
10 Michelle Campbell, saying, Okay, we have worked out our  
11 schedules and my colleague, Neil Zoltowski, will be able  
12 to visit the Mundeleine facility on Friday morning  
13 beginning at 9:00 a.m. Do you see that?

14 A. Yes, I do.

15 Q. Does that refresh your recollection of whether  
16 there was a visit by StoneTurn personnel to Abbott to  
17 review documents in early September?

18 A. Yes, it does.

19 Q. And do you recall whether Neil Zoltowski in  
20 fact made that visit to Abbott?

21 A. Yes, I do recall that he did make that visit.

22 Q. Did anyone accompany him on that visit, to  
23 your knowledge?

24 A. I don't think so.

1 A. Yes. And there again, we didn't have -- we  
2 still not have nor did we ever receive a chart of  
3 accounts that would allow us to match up what those  
4 checks were for, but we assumed since they were  
5 produced, they related to the program compounds.

6 Q. And do you know if Mr. Zoltowski spent any  
7 more than a day during his September visit to the Abbott  
8 facility?

9 A. I think he spent the full day there, yeah,  
10 that's all I recollect --

11 Q. No more than one day?

12 A. No more than one day, yes.

13 Q. Do you know how many documents Mr. Zoltowski  
14 selected for copying during that early September visit?

15 A. I know he selected documents and, again, it  
16 depends on to what extent, how many other documents if  
17 those check requests that he came across versus  
18 Miss Irvine came across in November. I do recall that I  
19 asked them to err on the side of copying more rather  
20 than less, and they copied all of those check requests  
21 between the two of them on those two visits.

22 And I imagine it's in the neighborhood of  
23 six boxes or so of documents.

24 Q. And to your knowledge, were those documents

1 that were selected for copying by Mr. Zoltowski

2 delivered by Abbott to StoneTurn?

3 A. Yes, I believe they were.

4 Q. Do you know when they were delivered to

5 StoneTurn?

6 A. I don't recall.

7 Q. Do you recall the next visit by StoneTurn

8 personnel to Abbott to review documents?

9 A. I believe it was in November, and I believe

10 Miss Irvine of StoneTurn did that.

11 Q. Did anyone accompany Miss Irvine on that visit

12 in November?

13 A. I don't believe so.

14 Q. Do you recall that that was a visit on

15 November 1st?

16 A. Again, I don't remember the exact date, but I

17 know it was November.

18 Q. Do you know if Miss Irvine spent more than one

19 day at the facility in November?

20 A. I don't recall. I believe it was probably one

21 day.

22 Q. Do you know how many documents -- how many

23 boxes of documents were made available by Abbott during

24 that November visit?

1 A. I don't recall. I know there's some e-mail  
2 traffic on that, but I don't recall the exact number.

3 MR. LORENZINI: I would like to mark as  
4 Martinez Exhibit 6.

5 (Exhibit No. 6 Marked for Identification)

6 BY MR. LORENZINI:

7 Q. Martinez Exhibit 6 is a document Bate stamped  
8 ABBT 250 through 253. It's an e-mail chain beginning  
9 October 26, 2004 from Michelle Campbell to Chris  
10 Martinez.

11 Do you recognize this exhibit,  
12 Mr. Martinez?

13 A. Yes, I do.

14 Q. Is this an e-mail exchange you had with  
15 Miss Campbell in October?

16 A. Yes, it looks to be.

17 Q. If you look at the earliest e-mail in the  
18 chain, the one on page 252, it's an e-mail from Michelle  
19 Campbell to you and it states, Hi, Chris, there are  
20 three boxes completed and another will be ready by  
21 Friday. These are similar to the last group of  
22 material. There are about four more boxes in process,  
23 but I don't have an ATA on those?

24 A. Yes, I see that.

1 Q. Does this refresh your recollection of the  
2 approximate number of boxes made available by Abbott --

3 A. Yes, it does.

4 Q. -- in November?

5 And what is your recollection of the  
6 number of boxes made available by Abbott in November  
7 2004?

8 A. It looks like there was probably around seven  
9 boxes.

10 Q. And was the content of those boxes similar to  
11 what had been produced by Abbott previously?

12 A. That's what Miss Campbell is indicating here.

13 Q. Did you actually review any of the documents  
14 that were made available by Abbott in November?

15 A. I saw the copies of those documents after they  
16 came back to the office.

17 Q. The copies of the documents that had been  
18 selected?

19 A. For copying, yeah.

20 Q. You didn't see the entire set that were made  
21 available?

22 A. I didn't. I want to say this second visit  
23 that Miss Irvine made, and this does refresh my  
24 recollection, Mr. Zoltowski saw these check requests,

1 refocus them in order to expedite and sort of mitigate a  
2 lot of undue time and expense on everyone's part in the  
3 course of conducting the audit.

4 Q. What, to your recollection, was the next visit  
5 by StoneTurn personnel to Abbott for the purpose of  
6 reviewing documents?

7 A. I believe I was out in Mundelein again on  
8 January 20th of 2005.

9 Q. And was there anyone who accompanied you on  
10 that visit?

11 A. I don't recall. It might have been Josh  
12 Dennis. I don't recall.

13 MR. LORENZINI: I'll mark as Exhibit 8, an  
14 e-mail dated -- I'm sorry, it's Bates stamped ABBT  
15 235. This is a January 18, 2005 e-mail stream  
16 between Chris Martinez and Michelle Campbell.  
17 (Exhibit No. 8 Marked for Identification)

18 A. Okay.

19 Q. Does this refresh your recollection as to  
20 whether anyone accompanied you on the January 20th,  
21 2005, visit to the Abbott facilities?

22 A. This document looks like I was planning to  
23 come alone.

24 Q. And do you recall that you did go alone on

1 that occasion?

2 A. I actually don't recall if I was alone or not.

3 I was at that warehouse many times with other people,

4 but this would indicate I was planning to come alone.

5 Q. Do you recall how many boxes of documents were

6 made available during your January 20th visit to Abbott?

7 A. I don't.

8 Q. Do you recall how long you spent at the

9 facility on that occasion reviewing documents?

10 A. I don't recall, no.

11 Q. Was it less than a day?

12 A. I don't recall if I was there a day or

13 multiple days.

14 Q. Did you select any documents for copying

15 during that it visit?

16 A. Again, I don't recall. Knowing that -- or at

17 that point being -- having the understanding that

18 everything would be produced by the 31st, I might have

19 just waited knowing I was going to be back there the

20 following week or so, but I just don't recall what I

21 flagged for copying at that point.

22 Q. Do you recall anything about the type of

23 documents that were made available during that

24 particular visit?

1 A. Again, I would say probably fall into the  
2 major categories that I testified to earlier, but I  
3 don't recall specifically on that date.

4 Q. Do you recall if there were financial  
5 documents made available during that visit?

6 A. I don't recall. I don't recall what was  
7 produced on that date.

8 Q. Do you recall your next visit to Abbott after  
9 January 20th, 2005?

10 A. Yeah, I believe it was on January 31st or  
11 thereabouts.

12 Q. Was that at the Mundeleine facility again?

13 A. Yes, it was.

14 Q. And did anyone accompany you on that trip?

15 A. I think Mark Hair and Josh Dennis both  
16 accompanied me.

17 Q. And do you recall how many boxes were made  
18 available for your review during your visit?

19 A. I don't recall the number, no.

20 Q. Do you recall if it was more than 10 boxes?

21 A. I know we were there for -- I think I was  
22 there for two days and the other two gentlemen were  
23 there for three days, but I don't recall the specific  
24 quantity. I know we were expecting more. We thought

1 this was the last production. We were expecting a  
2 little bit more or at least different substantive  
3 documents than we actually received.

4 Q. But there were enough documents to keep the  
5 three of you busy for two or three days?

6 MS. COLLARI TROAKE: Objection.

7 A. Yeah, well, we were clearly looking at those  
8 documents during that time frame, yes.

9 Q. So I assume it was more than a box?

10 A. Yeah, I assume it was more than a box, too.  
11 It was multiple boxes, I'm sure.

12 Q. Did you select documents for copying during  
13 that visit?

14 A. Yes, and I believe it was on that visit that  
15 we offered to bring our own copier because of the  
16 problems we had with Abbott not producing or not getting  
17 us copies of documents we'd flagged. And I believe  
18 Abbott and/or Winston & Strawn objected to our bringing  
19 a copier, and I know we flagged documents from that  
20 review for copying.

21 Q. Do you recall how many?

22 A. I don't recall specifically. It would be in  
23 our index.

24 Q. Do you recall that during that visit you

1 flagged for copying documents relating to expenditures  
2 on the program compounds?

3 A. If there were documents related to  
4 expenditures, yes, we would have flagged them, but I  
5 don't remember specifically.

6 Q. Do you recall during that visit reviewing  
7 spreadsheets and analyses regarding the program  
8 compounds under a base case, upside and low scenario?

9 A. I know at some juncture I did see the document  
10 or documents that would fit that description. I'm not  
11 sure if it was that visit or the last visit in March.

12 Q. And do you recall when you received copies of  
13 the documents you had selected for copying during the  
14 January 31st visit?

15 A. I don't. I don't recall when that was, when  
16 they came in.

17 Q. Do you recall your next visit to Abbott to  
18 review documents after January 31st?

19 A. I think it was at or around early March;  
20 March 5th, 6th, 7th, something like that.

21 Q. And do you recall how many people attended on  
22 that occasion?

23 A. I think it was, again, Mark Hair, myself and  
24 Josh Dennis.

1 Q. And how long did you spend at Abbott during  
2 that visit?

3 A. I think, I want to say, that was a three day  
4 maybe, but I was there two days, two of the days.

5 Q. Do you recall how many boxes of documents were  
6 made available during that March visit?

7 A. I don't specifically recall, no.

8 Q. Do you recall whether it was more than a dozen  
9 boxes?

10 A. I'm speculating. I just don't know. I don't  
11 remember.

12 Q. Did you select documents for copying during  
13 that visit?

14 A. Yes, we did.

15 Q. And do you recall how many boxes of documents  
16 you selected for copying?

17 A. I know we selected a fair bit because we were  
18 getting more documents that were responsive, and  
19 particular, it was this box 17 of pallet 19 that had a  
20 fair quantity, a good number of documents, that had John  
21 Hancock's name and title that related to John  
22 Hancock's -- or I'm sorry, that related to Abbott's very  
23 thorough, seemed drawn-out analysis of how to account  
24 for the monies that Abbott was receiving from John

1 broken-record questions about where the documents were  
2 related to a particular element of Schedule A; is this  
3 everything, you know, those sorts of questions.

4 Q. And do you recall with any more specificity  
5 what you said to Mr. Crimmens on that day?

6 A. Well, I believe we asked if there's more  
7 coming, and I think he said, yeah, we're still -- he was  
8 sitting there in the warehouse with redaction tape  
9 redacting documents. So he said, we're still working on  
10 redactions, so there's more coming, but he didn't seem  
11 to have the big picture.

12 Q. Do you recall that there were some documents  
13 that were weren't yet ready for review on that date, a  
14 box of documents --

15 A. Yeah.

16 Q. -- and that StoneTurn requested that a copy be  
17 made of the entire box?

18 A. Yes, I do recall that.

19 Q. And do you recall that Abbott did send that  
20 entire box to StoneTurn?

21 A. Yeah, I think we did verify we got that box.

22 Q. Were there any other visits to Abbott to  
23 review documents after that March visit?

24 A. I don't believe so, no.

1 Q. Do you know how many boxes in total Abbott  
2 made available to StoneTurn for review during the audit?

3 A. At one point we had a number. I would say  
4 it's in the 800-box range.

5 Q. Do you know how much time in total in hours  
6 StoneTurn personnel spent at Abbott reviewing documents  
7 to determine whether to copy them or not?

8 A. Well, there's multiple questions there. One  
9 is, our objective while at Abbott reviewing documents  
10 wasn't to determine whether we should copy them or not.  
11 It was to understand what they were, so --

12 Q. Let me rephrase the question.  
13 Do you know how many hours in total, and  
14 I don't want you to speculate, only if you have some  
15 knowledge of this, do you know how many hours in total  
16 StoneTurn personnel spent at Abbott reviewing documents  
17 that had been made available by Abbott?

18 A. I don't know specifically how many hours. I  
19 know I went to Abbott seven times. I know there were at  
20 least two other visits that I did not attend.

21 Q. Do you know how many pages of documents were  
22 selected by StoneTurn for copying?

23 A. I don't know how many pages.

24 Q. Do you know how many documents were selected

1 by StoneTurn for copying?

2 A. No, I don't.

3 Q. It was a small fraction of the approximately

4 800 boxes made available, correct?

5 MS. COLLARI TROAKE: Objection.

6 A. Well, again, I mean, again, our objective was

7 not to copy the documents. It was to evaluate what was

8 there.

9 Q. Is your answer to that question yes or no?

10 MS. COLLARI TROAKE: Objection; if you can

11 answer it yes or no.

12 A. We copied -- we did not copy a large

13 percentage of the documents we saw.

14 Q. Do you recall StoneTurn asking Abbott to

15 create an index of all the documents that it had made

16 available to StoneTurn?

17 A. I don't recall that specifically, but that

18 would have been a logical request.

19 MR. LORENZINI: I would like to mark as the

20 next exhibit.

21 (Exhibit No. 9 Marked for Identification)

22 BY MR. LORENZINI:

23 Q. This has been marked as Exhibit 9, and it's an

24 e-mail string dated March 15, 2005 between Michelle

1 something that -- I guess, trying to bridge the  
2 communication gap. If there was something that Abbott  
3 thought was responsive to a particular request, we could  
4 look at it and say, Gosh, we don't think that's  
5 responsive or maybe, you know, re-evaluate that  
6 particular document.

7 Q. You, at StoneTurn, had already compiled an  
8 index listing and describing all of the documents  
9 produced by Abbott that you considered responsive to the  
10 various categories in Schedule A, correct?

11 MS. COLLARI TROAKE: Objection.

12 A. I would say no, we didn't -- we have an index  
13 of all the documents. We created an index of all the  
14 documents.

15 Q. Whether responsive or not?

16 A. Yes, everything. Because we, again, according  
17 to our strategy, we wanted to know everything that was  
18 available and then we can go back and turn around and  
19 say, if we've got to rebuild all of your costs data from  
20 your payroll records, then we know it's out there, but  
21 that wouldn't be our first course of action.

22 Q. Did the index that StoneTurn create include  
23 the titles and descriptions of every document made  
24 available by Abbott?

1 A. Yes, they include, like I said, 6,000 lines.

2 Q. There were certainly more than 6,000 documents  
3 in those -- in excess of 800 boxes made available,  
4 correct?

5 MS. COLLARI TROAKE: Objection.

6 A. I don't know. I think that in most cases, a  
7 box contained -- it depends on what you define as a  
8 document. I know there were, what could be considered,  
9 a document. There were 96 volumes of binders, volume 1  
10 through 96. That's, you know, 30 or 40 boxes right  
11 there.

12 That could be considered one document.  
13 There was certain instances where each of -- we  
14 considered that 96 different line items.

15 Q. I think you testified before that for some  
16 line items you just described a box rather than  
17 particular documents inside a box?

18 A. No, I'm saying in a case where a whole volume  
19 consisted of a box, we could have made the whole box one  
20 line item. And there are certain instances certainly  
21 where we would try to group together like documents, if  
22 they weren't a big chunk.

23 Q. And I think you testified earlier that the  
24 index created by StoneTurn listed the pallet number and

1 receive some documents that reflected expenditures on  
2 the program compounds, correct?

3 A. Well --

4 MS. COLLARI TROAKE: Objection.

5 A. -- again, we received -- we received some  
6 information that appears to be a reporting of costs. We  
7 received -- and again, making an assumption that all  
8 those pallet of payroll records somehow related to these  
9 compounds.

10 So I can't tell you definitively they do  
11 or they not because I never got the chart of accounts or  
12 the summary-level of information. So were they  
13 responsive? Maybe they were partially responsive, but I  
14 can't make that assessment, as I sit here today.

15 Q. You testified also you received monthly and  
16 other periodic reports for each of the program  
17 compounds?

18 A. Yes, I did.

19 Q. Are you testifying that those monthly and  
20 periodic reports did not contain summary-level  
21 information regarding the costs spent by Abbott on  
22 development of the program?

23 A. Well --

24 MS. COLLARI TROAKE: Hold on. I want to

1 you know the answer, you can respond.

2 A. The universe of accounting documents is very  
3 broad. I would say we received a very small quantity --  
4 very small quantity of accounting records from Abbott.

5 Q. What type of accounting records did you  
6 receive from Abbott?

7 A. We received payroll records. We received some  
8 check requests. We received sum contracts.

9 Q. Do you recall receiving cost reconciliations  
10 from Abbott?

11 MS. COLLARI TROAKE: Objection. When you say,  
12 receive, do you mean --

13 MR. LORENZINI: I mean documents made  
14 available by Abbott.

15 MS. COLLARI TROAKE: Okay.

16 A. I guess cost reconciliations of what, would be  
17 my question?

18 Q. Relating to the program compound.

19 A. Which program compound? But reconciling  
20 between what and what? I don't recall seeing  
21 reconciliations, unless you can refresh my memory as to  
22 a particular document or tell me what we're reconciling  
23 between.

24 Q. But you're familiar with the general term of a

1 documents on Schedule A do you believe you didn't  
2 receive from Abbott?

3 A. I think 1F, timing of expenditures by year.

4 1G, we received --

5 Q. Let me interrupt you.

6 You did receive documents reflecting  
7 costs on development of the program compounds, correct?

8 MS. COLLARI TROAKE: Objection.

9 A. I mean, again, I think we're getting -- this  
10 is becoming circular, but we received information that  
11 would possibly support costs.

12 Q. And did those documents that would possibly  
13 support costs, did those documents have a year and/or a  
14 month associated with the cost figures?

15 A. Well, for instance, again, going back to the  
16 payroll records, there's a very specific dates, but  
17 without a chart of accounts, I don't know if a  
18 particular person's expenditures on a particular day  
19 relates to one of the program compounds I'm charged with  
20 looking into or not.

21 Q. Well --

22 A. So --

23 Q. -- if you look at 1A, it's not addressed to  
24 documents at that level of detail, payroll records. It

1 refers to the summary of the timing.

2 And I'm asking you whether you saw

3 summary-level documents that related to the cost on

4 program compounds for a particular year?

5 A. I saw costs at points -- I saw nominally

6 reported costs at points in time inconsistent for some

7 of the compounds.

8 Q. Let's move on.

9 What other documents do you believe were

10 not made available by Abbott for your review?

11 A. I didn't see anything in 1H, the

12 reconciliations of annual expenditures by compound to

13 the audited financial statements.

14 Q. Do you know if Abbott maintains such records

15 in the ordinary course of its business?

16 A. I do not have personal knowledge of them

17 maintaining such information, but --

18 Q. Okay. I don't want you to speculate. What

19 other documents --

20 MR. GRIESINGER: Well, wait a minute. You

21 can't cut him off.

22 MS. COLLARI TROAKE: You can't cut him off.

23 MR. GRIESINGER: Finish your answer.

24 MR. LORENZINI: I'm just saying I asked --

1 all allocations included in the total expenditures. And  
2 this is actually something that we ran across in the  
3 redacted/unredacted analysis where there was a document  
4 that was heavily redacted originally that in the  
5 unredacted form, had much information about allocations.

6 Q. And you now have that information available to  
7 you?

8 A. Well, I saw it on Abbott's database on-line.

9 Q. Anything else?

10 A. 1J; to some extent 1K. We don't know what the  
11 full extent of their normal course of business documents  
12 are, so we don't have anyone to ask the questions. So  
13 we did receive some of 1K.

14 Q. You did receive from Abbott some summaries or  
15 reports prepared in the ordinary course of business  
16 regarding expenditures and costs on development of the  
17 program compounds?

18 A. Again, I don't have personal knowledge that  
19 they were prepared in the normal course or they were  
20 prepared for our audit because I haven't had a chance to  
21 talk to anybody.

22 Q. But you did receive documents from audit that  
23 reflected expenditures and costs on the development of  
24 each program compound?

1 A. I received some information, which I believe  
2 was responsive to 1K, but I have not been able to  
3 corroborate that because no one can tell me or no one  
4 will tell us if it's the normal course or what it is.

5 Q. Do you have any reason to believe it wasn't  
6 prepared in the normal course of business?

7 A. I have no reason to believe one way or the  
8 other.

9 Q. Did anyone from Abbott ever tell you that  
10 among the documents you were being provided were  
11 documents that were created specifically for the purpose  
12 of responding to your audit?

13 A. No one said those words to me, no.

14 Q. You don't have any reason then to believe that  
15 the documents provided to you, were not documents  
16 prepared in the ordinary course of business?

17 MS. COLLARI TROAKE: Objection. He already  
18 answered that.

19 A. I mean unless I can get some corroboration of  
20 how these documents prepared, I have no basis other than  
21 to make assumptions.

22 Q. So you can't say one way or the other?

23 A. That's right, I can't say one way or the  
24 other.

1 Q. Didn't the documents you looked at, look like  
2 the type of documents that a business would generate in  
3 the ordinary course of business?

4 MS. COLLARI TROAKE: Objection.

5 A. Again, my assumption was that they were. Many  
6 of the documents were likely prepared and kept in the  
7 normal course of business. Did we have all of them?  
8 No. Did I have anyone to tell me how come some of the  
9 documents said one thing and some said the other? No.  
10 Did they look like they're possibly kept in the normal  
11 course? Yes, but I've got no basis other than my  
12 assumptions and based on my experience.

13 Q. Are there any other documents listed on  
14 Schedule A that you believe were not made available by  
15 Abbott?

16 A. Well, I don't know, 1L, there were documents  
17 that were -- that would fall under 1L that were  
18 produced. I don't know if we have all those documents  
19 or not --

20 Q. You testified earlier I believe that there was  
21 at least a pallet of approximately 14 boxes of documents  
22 that were timesheets and payroll records?

23 A. More like 40 boxes of payroll records.

24 Q. 40 boxes?

1 A. Yeah, we did --

2 Q. So Abbott produced 40 boxes that were

3 responsive to 1L?

4 A. Well, again, I believe they were responsive

5 because we don't --

6 MR. GRIESINGER: For the 10th time.

7 A. -- we can't tie those payroll records without

8 a chart of accounts to the particular program compounds.

9 Q. Anything else on Schedule A that you believe

10 was not contained in excess of 800 boxes made available

11 by Abbott?

12 A. Yeah, let me continue on. Well, 2C, minutes,

13 summary notes from management meetings. Again, we

14 prepared an analysis of what we were able to find in

15 terms of minutes and notes for meetings, and there

16 were -- seemed to be gaps in that. So we believe there

17 was not a complete production of documents --

18 Q. But you did receive minutes, summaries, notes

19 of management meetings in which program compounds were

20 reviewed or approved for further development funding?

21 A. We received minutes, summaries and notes from

22 meetings. I'm not sure all those other criteria were

23 met that fall into there, but we did receive some

24 minutes and summaries of meetings on an inconsistent

1 basis, yes.

2 Q. And those summaries and notes of meetings

3 related to program compounds, correct?

4 A. Yes, they appeared to.

5 Q. Anything else on Schedule A that was not

6 contained in the excess of 800 boxes made available by

7 Abbott?

8 MS. COLLARI TROAKE: Objection.

9 A. 2D, analysis and documents supporting all

10 forward-looking projections of expenditures incurred by

11 compound year, we found very little in the way of --

12 well, other than a particular numbers that said, this is

13 the projection for next year, and then we would see

14 another document that said, this is a different

15 projection for next year. We didn't see any support for

16 any of those projections.

17 Q. But you did see forward-looking projections of

18 costs to be spent on the program compound?

19 A. Well, we saw nothing that was any more depth

20 than what was provided in the annual research reports

21 from Abbott to John Hancock.

22 Q. But these documents that you saw that

23 reflected forward projections, did they appear to be

24 documents that were prepared internally by Abbott as

1     opposed to --

2             MR. LORENZINI: Well, we need to stop for the  
3     tape.

4             THE VIDEOGRAPHER: This marks the end of tape  
5     No. 3 in the deposition of Christopher A. Martinez.

6             Going off the record. The time is 3:50.

7             (Short Recess)

8             THE VIDEOGRAPHER: Back on the record. Here  
9     marks the beginning of tape No. 4 in the deposition  
10    of Christopher A. Martinez. The time is 4 o'clock.

11            MR. LORENZINI: Could the reporter read back  
12    the last question, please?

13            (Record Read)

14            MR. LORENZINI: I'll restart the question.

15    BY MR. LORENZINI:

16        Q. Mr. Martinez, you testified that you reviewed  
17    documents produced by Abbott that appeared to reflect  
18    projections of expenditures, and I'm asking whether  
19    those documents appear to be the type of documents that  
20    would have been prepared in the ordinary course of  
21    business?

22        A. Well, I guess that gets to question or point  
23    2B here, what are the lists of typically prepared Abbott  
24    documents in the course, normal course, of developing a

1 compound, for instance, or in the normal course of  
2 conducting any of their business. So without having  
3 that request fulfilled, it's hard to know.

4 But, you know, if I had to speculate,  
5 that would be speculation, it did look to me they were  
6 normal course documents, normal course summaries.

7 Q. Are there any other types of documents listed  
8 on Schedule A that you believe were not included in the  
9 boxes of documents made available by Abbott?

10 A. I just indicated 2B, the list of all reports,  
11 updates, summaries typically prepared by Abbott in the  
12 normal course. We never got any lists of what their  
13 standard practice is, and therefore, I would have to say  
14 also 2A, we did receive some reports, updates, summaries  
15 prepared by Abbott that appeared to be prepared in the  
16 normal course, but without having 2B, I don't know that  
17 2A was satisfied either.

18 Q. But you know that you did review documents  
19 produced by Abbott that were reports, updates or  
20 summaries regarding development of the program  
21 compounds, correct?

22 A. Yes, I did.

23 MS. COLLARI TROAKE: Objection.

24 BY MR. LORENZINI:

1 Q. So your only question with that one was,  
2 you're not certain that they were prepared in the normal  
3 course of business?

4 A. No, my question is, do I have a complete  
5 set -- one, I'm fairly certain I don't have a complete  
6 set of the paper documents I haven't identified, but  
7 there may be other reports or summaries or updates that  
8 I haven't even seen one version of, so I may be missing  
9 altogether.

10 Q. But you don't know whether those documents  
11 that are "missing" actually exist in Abbott's records,  
12 correct?

13 A. Because item 2B has not been satisfied, I  
14 don't have a standard of what they prepare in the normal  
15 course of business. I don't know one way or the other  
16 everything I received under 2A is complete.

17 Q. And do you know if Abbott, in the ordinary  
18 course of its business, maintains a list of all reports,  
19 updates and summaries typically prepared by the company?

20 A. In my dealings with large pharmaceutical  
21 companies, it's very typical they have very detailed  
22 procedures to follow in pursuing major programs like a  
23 drug development program because they're spending  
24 hundreds of millions of dollars on these programs

1 they -- management likes them typically to report up in  
2 a standard fashion, so there's usually a standard.

3 Q. But you don't know whether Abbott in  
4 particular maintains a list of the --

5 A. I don't know. I don't have personal knowledge  
6 of whether or not Abbott does maintain a list or they  
7 just go about it on a case-by-case basis.

8 Q. Are there any other types of documents listed  
9 on Schedule A that you believe weren't made available by  
10 Abbott?

11 A. 2A, 2B, 2C, 2D; 2E, their policies and  
12 guidance as to the appropriate and/or required methods  
13 for conducting their research program. We didn't get  
14 any standard policies. Again, that really ties in with  
15 2F as well, their internal approval framework for  
16 determining whether to continue to fund projects.

17 And 2G, again, similar to 2A, we don't  
18 know what the standard meetings are, so I don't know  
19 that I've got a complete set of minutes, summaries and  
20 notes from all the Abbott meetings.

21 Q. You don't know if you have a complete set, but  
22 you did receive documents responsive to 2G --

23 A. I received some documents. I know for a fact  
24 I don't have a complete set even of some of the

1 And I'm trying to remember if 518 was  
2 early stage and what that definition of early stage was.  
3 If it was in pre-phrase one, was the definition of early  
4 stage and I just don't recall off the top of my head.

5 Q. So you don't recall which program compounds,  
6 if any, were failed early stage program compounds?

7 A. Again, I'm just trying to get the definition  
8 of early stage compounds. I know which compounds  
9 ultimately were terminated, which programs were  
10 terminated.

11 Q. But it's kind of hard to reconcile -- strike  
12 that.

13 You just testified that Abbott didn't  
14 make available records identifying any and all failed  
15 early stage program compounds. But you're now  
16 testifying you don't recall what program compounds were  
17 failed early stage program compounds?

18 MS. COLLARI TROAKE: Objection. I think that  
19 mischaracterizes his testimony.

20 A. Yeah, I was actually reading 3B aloud; not  
21 necessarily stating -- I was reading it and in my head  
22 had a question mark at the end of that because I was  
23 trying to think of what the early stage compounds were.

24 Q. So you're not sure --

1 A. I'm not sure on 3B. I'm not sure one way or  
2 another on 3B.

3 Q. Please try to let me finish my question so we  
4 have a clear transcript.

5 Any other items on Schedule A that you  
6 believe were not made available by Abbott?

7 A. I think I would have the same issue with 3C,  
8 the definition of ceased compounds.

9 Q. So you don't know whether --

10 A. So I'm not sure on that one.

11 Q. You don't whether they were ceased compounds?

12 A. Again, I would have to go back to the  
13 agreement and look up what the definition of ceased  
14 compounds were as opposed to failed early stage  
15 compounds.

16 I know we didn't receive anything related  
17 to 3D.

18 Q. Again, you don't know what the failed early  
19 stage program compound, if any, was?

20 A. I can't specifically recall which ones they  
21 were, but I remember looking for this item, keeping  
22 this, you know, in front of my mind looking for  
23 documents and we didn't get any. Because I recall,  
24 actually, and the reason I recall that because when we

1 looked at some of the documents produced in the  
2 litigation, we did see some of this information.

3 I don't believe we got anything  
4 responsive to 3E. We did get some information in  
5 response to 3F related to the ABT 773, I want to say.  
6 That's my recollection the compound. I don't know that  
7 we got any other information related to other ceased  
8 compounds. And again, this goes to the definition of  
9 ceased compound. If 518 was a ceased compound, 594 was  
10 considered a ceased compound or early stage compound.

11 Four, I think we did receive some.  
12 Again, we did receive some records that would be  
13 responsive to 4A, but again, not all records that we  
14 believe are, based on what we did see, that might be  
15 available.

16 Q. Is that what you testified to earlier, that  
17 there were some months for which you did not have  
18 meeting minutes or summaries?

19 A. That's correct.

20 Q. And you don't know one way or the other  
21 whether those meetings actually occurred or not?

22 A. Yeah, I don't have personal knowledge of  
23 whether those meetings occurred.

24 Q. And even if they did occur, you don't have

1 personal knowledge of whether those notes or summaries  
2 of those meetings were recorded?

3 A. Yeah, since I don't work or never did work at  
4 Abbott, I wouldn't have personal knowledge of the inner  
5 workings of their company.

6 Q. Anything else on Schedule A that you believe  
7 was not made available?

8 A. 4B, I did not get anything. 4C is the same  
9 issue. I think we have some of that information, but  
10 we're not certain we have all of that information.

11 Q. But you did receive records reflecting when  
12 each program compound reached each stage of preclinical  
13 and clinical development?

14 A. Well, that's what I'm saying. I'm not sure we  
15 do have all that information.

16 Q. But you have some of that information?

17 A. I think we have some information on when  
18 certain programs hit different milestones, development  
19 milestones.

20 4D, again, we have some reports some  
21 reports, summaries, meeting minutes related to the  
22 status of the compounds, but not necessarily all;  
23 particularly at that March 13, 2001 date that 4D relates  
24 to.

1 Q. And then the current status, that would be the  
2 status as of April 12th, 2004?

3 A. Well --

4 MS. COLLARI TROAKE: Objection. I think  
5 you're mischaracterizing Schedule A. D is modified  
6 by four, the introductory paragraph.

7 A. So it's all as of March 13, 2001. And then  
8 4E --

9 Q. And you're saying that you did or did not  
10 receive reports, summaries and meeting minutes that  
11 evidenced the status of program compounds as of March --

12 A. I think we received some reports, summaries  
13 and meeting minutes, but not all. Not -- all those  
14 reports, summaries, meeting minutes for all the  
15 compounds as of that point in time.

16 Q. Anything else on Schedule A, you believe  
17 you --

18 A. And then 4E, management reports or other  
19 documents received in the normal course that indicate  
20 future prospects and development expectations for each  
21 program compound, I know we did not receive all of that  
22 in the course of the -- all of that information in the  
23 course of the audit.

24 For instance, we received no e-mails in

1 can't specifically recall. I did not review it any time  
2 recently.

3 Q. When you were testifying a moment ago  
4 regarding the type of documents that you believe were  
5 not made available by Abbott, what was the basis for  
6 your belief?

7 A. My review of the documents did not turn those  
8 documents up. So, for instance, the chart of accounts,  
9 we were looking and looking and looking for it. We  
10 didn't find it. That's the basis of my --

11 Q. You didn't review all of the boxes of  
12 documents made available by Abbott, correct?

13 MS. COLLARI TROAKE: Objection.

14 A. My team looked at every document made  
15 available to us.

16 Q. I'm asking about you personally.

17 A. Me, personally?

18 Q. Did you review personally every document made  
19 available by Abbott?

20 A. I did not personally review every document  
21 made available by Abbott.

22 Q. So you don't know personally know what  
23 documents were made available by Abbott if it wasn't  
24 part of the set of documents that you reviewed

1 personally?

2 MS. COLLARI TROAKE: Objection.

3 MR. GRIESINGER: Meaning he didn't personally

4 see each document, is that how you're defining

5 personally involved?

6 MR. LORENZINI: Correct.

7 A. I guess -- I have no knowledge of things I

8 don't have knowledge of.

9 Q. Besides your personal review of certain of the  
10 documents, what are your other sources of information  
11 regarding the type of documents made available by  
12 Abbott?

13 A. Well, I've communicated with my staff and  
14 team. So, for instance, Josh Dennis might be indexing a  
15 particular box. He might call me over. I might look at  
16 certain documents. I have seen a portion of that box of  
17 documents. He indexed it. I never put my initials next  
18 to indexing.

19 So I have knowledge what was in there  
20 even though I didn't personally index those documents.

21 Q. Based on review of --

22 A. Based on review of the index and also based on  
23 discussions. There were times when I would have phone  
24 conversations with someone and they would say, Hey, I'm

1 looking at a document that says this or that. And I  
2 would say, Gosh, that's interesting. Flag it or let's  
3 keep note of that, you know.

4 Q. Are there any other sources of information you  
5 have regarding the documents produced by Abbott other  
6 than your personal review of some of the documents, your  
7 review of the index created by StoneTurn and your  
8 communications with your staff?

9 MR. GRIESINGER: You're just talking about the  
10 audit procedures?

11 MR. LORENZINI: Yes.

12 A. I mean, yeah, in the normal course of my  
13 business, it's basically incumbent upon me to understand  
14 everything our firm -- our team looked at in a matter  
15 like this. So I was very clear with my staff I wanted  
16 to be made aware of anything of interest and I defined  
17 interest fairly clearly as what was in Schedule A, so --

18 Q. And anything that was considered by your team  
19 to be responsive to Schedule A, was listed in the index?

20 A. Again, the index is everything that we looked  
21 at, was listed in our index, again, because we wanted to  
22 know what our universe of documents were.

23 Q. But if you considered it responsive to a  
24 particular category in Schedule A, that was recorded on

1 the index?

2 A. No, not necessarily, no.

3 Q. So there were documents that you did consider  
4 responsive to Schedule A, where there was no indication  
5 on the index of whether they were responsive or not?

6 A. That wasn't the point of our index. Our index  
7 was not meant to track responsiveness by item, even  
8 until the end, even until March of 2005, we kept  
9 thinking, okay, where's the stuff? We had almost  
10 nothing responsive to Section 1 of Schedule A, and we  
11 kept waiting for it. So -- but that didn't stop us from  
12 indexing everything else.

13 So I guess the point is, our index was  
14 meant to track what we had seen, track everything we had  
15 seen. We could go back and look at it. We anticipated  
16 being able to go back to those particular documents if  
17 need be in Mundeleine and saying, Gosh, this is or this  
18 isn't responsive. But we kept in our minds, and Mark  
19 and I particularly later in the engagement, a running  
20 tab of what we felt was responsive and what wasn't.

21 Q. I just want to make sure I got an answer to my  
22 prior question.

23 Besides your personal review of some of  
24 the documents, your communications with your staff and

1 printed out a lot of e-mails -- printed out every e-mail

2 that had to do with this case, this matter.

3 I think I also instructed Mark to do the

4 same and instructed Mark to get the information we had

5 together and provide it to counsel.

6 Q. Did you preserve all of your e-mails regarding

7 the Abbott audit?

8 MS. COLLARI TROAKE: As of when?

9 MR. LORENZINI: As of the beginning of the

10 audit?

11 A. I believe I saved all the e-mails that were

12 important. There might have been back and forth between

13 my team and I when we were talking logistics that I, for

14 whatever reason at the time, not kept; but I didn't make

15 any point of deleting e-mails.

16 Q. But you didn't keep all the e-mails related --

17 A. I can't say I did or didn't. There's

18 sometimes I tend to clear out some things, and I'll

19 delete some e-mails, but I would never delete anything

20 substantive.

21 Q. I just want to get a little bit more clarity

22 on this index.

23 Does the index contain any indication of

24 whether StoneTurn considered particular documents or

1 boxes of documents responsive to the categories in

2 Schedule A?

3 MS. COLLARI TROAKE: Objection. He's answered

4 this already.

5 A. No, the index is meant to summarize what we

6 looked at. It's not to meant to put documents into the

7 categories of Schedule A.

8 Q. Do you have any documents created by StoneTurn

9 that do attempt to list the categories in Schedule A

10 that particular documents or boxes of documents are

11 responsive to?

12 A. I don't believe so.

13 Q. You wanted Abbott to do that work for you?

14 MS. COLLARI TROAKE: Objection.

15 MR. LORENZINI: Withdraw the question.

16 I have no further questions.

17 MS. COLLARI TROAKE: I just have one question,

18 Chris.

19

20 EXAMINATION BY MS. COLLARI TROAKE:

21

22 Q. Did anyone at Abbott, in the course of the

23 audit when you were reviewing documents, say in response

24 to your inquiries about particular categories of

1 CERTIFICATE

2 COMMONWEALTH OF MASSACHUSETTS )

3 )

4 COUNTY OF PLYMOUTH )

5 I, Rosemary F. Grogan, a Registered

6 Professional Reporter and Notary Public duly

7 commissioned and qualified in and for the Commonwealth

8 of Massachusetts, do hereby certify:

9 That CHRISTOPHER A. MARTINEZ, the witness

10 whose deposition is hereinbefore set forth, was duly

11 identified and sworn by me, and that the foregoing

12 transcript is a true record of the testimony given by

13 such witness to the best of my ability.

14 I further certify that I am not related to any

15 of the parties in this matter by blood or marriage, and

16 that I am in no way interested in the outcome of this

17 matter.

18 IN WITNESS WHEREOF, I have hereunto set my

19 hand and affixed my notarial seal this 16th day of

20 November, 2006.

21 \_\_\_\_\_

22 Rosemary F. Grogan, RPR

23 CSR No. 112993

24 My Commission Expires: January 7, 2011

1 ERRATA SHEET DISTRIBUTION INFORMATION

2 DEPONENT'S ERRATA & SIGNATURE INSTRUCTIONS

3

4 ERRATA SHEET DISTRIBUTION INFORMATION

5 The original of the Errata Sheet has

6 been delivered to Karen Troake, Esquire.

7 When the Errata Sheet has been completed by

8 the deponent and signed, a copy thereof should

9 be delivered to each party of record and the

10 Original forwarded to Eric Lorenzini,

11 Esquire, to whom the original deposition

12 transcript was delivered.

13

14 INSTRUCTIONS TO DEPONENT

15 After reading this volume of your

16 deposition, please indicate any corrections or

17 changes to your testimony and the reasons

18 therefor on the Errata Sheet supplied to you

19 and sign it. DO NOT make marks or notations n

20 on the transcript volume itself. Add

21 additional sheets, if necessary? Please

22 refer to above instructions for errata sheet

23 distribution information.

24

## SIGNATURE / ERRATA SHEET

Re: John Hancock Life, et al. Vs. Abbott Laboratories

DEPOSITION OF: Christopher A. Martinez 11/3/06

I, CHRISTOPHER A. MARTINEZ, do hereby certify  
that I have read the foregoing transcript of my  
testimony, and I further certify that said transcript it  
is a true and accurate record of said testimony (with  
the exception of the corrections that are noted below).

PAGE	LINE(S)	READS	SHOULD READ
10	5	'90	'80
10	6	1990	1980
10	8	from	until
20	7	do	doing
20	21	where	where are

Signed under the pains and penalties of  
perjury this 19 day of December, 2006.

CHRISTOPHER A. MARTINEZ

Date

Subscribed and sworn to before me this \_\_\_\_ day  
of \_\_\_\_\_, 2006.

Notary Public

My Commission Expires: \_\_\_\_\_

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Martinez, Christopher (Linked) (Not Videotaped) 3/22/2007 9:00:00 AM

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF MASSACHUSETTS  
3 CIVIL ACTION NO. 05-11150-DPW

4 ----- x

5 JOHN HANCOCK LIFE INSURANCE COMPANY,  
6 JOHN HANCOCK VARIABLE LIFE INSURANCE COMPANY,  
7 and MANULIFE INSURANCE COMPANY,  
8 (f/k/a INVESTORS PARTNER INSURANCE COMPANY),

9 Plaintiffs,

10 v.

11 ABBOTT LABORATORIES,

12 Defendant.

13 ----- x

14 VOLUME II

15 DEPOSITION OF CHRIS MARTINEZ

16 Thursday, March 22, 2007, 9:00 a.m.

17 Donnelly, Conroy & Gelhaar, LLP

18 One Beacon Street

19

20 Boston, Massachusetts

21

22

23

24 Reporter: Dana Welch, CSR, RPR

1 PROCEEDINGS

2 CHRISTOPHER MARTINEZ,

3 having been satisfactorily identified by the

4 production of his driver's license, and duly sworn

5 by the Notary Public, was examined and testified as

6 follows:

7 (Exhibit No. 10, JHII 021526 - 594, marked

8 for identification.)

9 EXAMINATION

10 BY MR. LORENZINI:

11 Q. Good morning, Mr. Martinez.

12 A. Good morning.

13 Q. You have before you what the court

14 reporter has marked as Exhibit Number 10, Martinez

15 Exhibit Number 10. Do you recognize this document?

16 A. Yes, I do.

17 Q. What is it?

18 A. This appears to be the index that

19 StoneTurn prepared of the documents we reviewed

20 related to the Abbott so-called audit.

21 Q. This is the index that you referred to in

22 your testimony in your prior deposition?

23 A. Yes.

24 Q. And you participated in the creation of

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1 this index?

2 A. I did, yes.

3 Q. And can you remind me who were the other

4 StoneTurn employees who were involved in the

5 creation of this index?

6 A. Yes. Included obviously myself,

7 Christopher Fern, Christopher Sandman, Joshua

8 Dennis, Mark Hair. I believe that's everybody who

9 worked on indexing the documents.

10 Q. I think you testified last time that

11 Shelly Irvine --

12 A. Oh, I'm sorry, yes, that's right. Shelly

13 Irvine and Neal Zoltowski, also; yes, that's

14 correct.

15 Q. And was the index created while the

16 StoneTurn employees were reviewing the documents at

17 the Abbott facilities?

18 A. Yes.

19 Q. Can you describe for me the process that

20 the StoneTurn employees used in creating this

21 index?

22 A. Sure. And again, sort of step back. It

23 goes to our strategy. It was our approach to this

24 particular project to gain an understanding of all

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1 the documents that were available for review that  
2 would be at our disposal in order to perform the  
3 work we were assigned to perform.

4 So we essentially -- once we gained access  
5 to the particular documents, we essentially looked  
6 through boxes. We identified -- basically created  
7 a numbering system for the pallets. We started  
8 out, I believe our very first visit there were 14  
9 pallets and that number grew as time went on. But  
10 we numbered the pallets, and then within those  
11 pallets we numbered or somehow identified the  
12 documents.

13 Some of those documents had unique  
14 identification numbers on them. If they didn't, we  
15 put Post-It flags and numbered the boxes ourselves;  
16 again, all with the intention of having the ability  
17 to come back to these documents once we understood  
18 the full universe of documents available for the  
19 project.

20 And then -- so now we've got a scheme or a  
21 system for identifying boxes and where they are  
22 located, we would essentially open the boxes and  
23 look at the documents, understand what was there.  
24 In some cases they were very -- you know, a box

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1 might contain three large volumes of a study that  
2 was 50 or 60 or 70 volumes in length. So we would  
3 go through and identify what the name of that  
4 particular document was, list it on the index.

5 We all were working on our own computers  
6 as the days went by, and then in the evenings when  
7 we'd leave the warehouse, we would consolidate  
8 those various indices from the different  
9 individuals into the one document.

10 Q. So each reviewer had their own laptop  
11 computer that they were using to input the data  
12 that eventually was consolidated into this index?

13 A. Yes.

14 MS. TROAKE: Objection.

15 BY MR. LORENZINI:

16 Q. And if you look at Exhibit 10, under the  
17 "pallet" heading --

18 A. Yes.

19 Q. -- if I understand your previous  
20 testimony, these pallet numbers were assigned by  
21 the StoneTurn employees?

22 A. Yes. When we got there, we just put a  
23 sticker on the wall, a Post-It flag on the wall,  
24 you know, identifying pallet 1 through 14. So,

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1     yeah, we identified the pallet numbers.

2           Q. You put the sticker on the wall as opposed

3     to on the pallet itself?

4           A. Well, yeah, as opposed to on the pallet,

5     that's right.

6           Q. And then the box number, which is the next

7     column on Exhibit 10, if I understand what you said

8     before, some boxes came to you from Abbott with a

9     box number already on the label; is that correct?

10          A. Yeah. Like some of these boxes had -- had

11     a number on it. So if you look at just the first

12     page, the very first box indicates MC-172, and I

13     believe that -- I believe these were documents that

14     had previously been copied by Abbott, and the MC,

15     as we understood it, related to Michele Campbell,

16     the paralegal who was our chaperone at the

17     Mundelein facility, Illinois facility.

18           So some of these, you know, had a --

19     unique identifiers on them. In some cases you'll

20     see, you know, we just have box 1, 2, 3, 4, 5 on a

21     particular pallet; that's when there were no unique

22     identifiers on the boxes, so we would put a tape

23     flag and we would number them ourselves.

24          Q. So it was your understanding that the

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1 have various sort of fields that you could fill in  
2 information, "box ID" was one of the fields on some  
3 of the boxes. And so at some point we had some  
4 boxes, and you can --

5 Q. Page 43, I think, is one of the few  
6 examples where there is something listed under that  
7 column.

8 A. Yeah. There was -- in some of those cases  
9 there was a -- there was something in that field.  
10 Not every box that was produced had that field in  
11 it, and actually, very few had anything written in  
12 that field; but when we saw that, we identified it  
13 in our index.

14 Q. Let's start from left to right and look at  
15 some of these other columns. The first column is  
16 "copy requested." What information did the  
17 StoneTurn employees record in that field?

18 A. Well, generally speaking, we would  
19 indicate if we had requested a copy early on in our  
20 review of the documents. And you have to remember,  
21 we anticipated that this project, we would have  
22 access to these documents, you know, and we would  
23 look at everything within a month of when we  
24 initially started the project.

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1 And so we would -- we would basically have  
2 our minds around the information that was  
3 available. As time went on and we realized that  
4 the production of -- Abbott's production of  
5 documents was going to take a lot longer than a  
6 month, we sort of changed approaches.

7 So to give you that context -- so the  
8 "copy requested" column simply, early on I think we  
9 just checked it or X'ed if we requested a copy;  
10 later in time, we actually put a date that we  
11 requested the documents.

12 Q. And so if in that column there is simply  
13 an X and no date, for example on page 13 --

14 A. Yes.

15 Q. -- do you see some examples there?

16 A. Yes, I do.

17 Q. Do you have any way of knowing what date  
18 you requested the documents where that field only  
19 has a checkmark and not a date?

20 A. Where there's just an X, we don't have a  
21 specific way of understanding when we -- when we  
22 asked for the copy. However, we know -- we could  
23 probably figure it out within a time frame because  
24 it was at some point we started using dates as

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1 opposed to X's. So for instance, we know it's the  
2 four -- if you look at the same page, we know that  
3 the X, we requested it sometime before March 7th of  
4 '05.

5 Q. So once you switched from the system of  
6 putting an X in that field to putting a date, you  
7 didn't go back to put putting X's in that field?

8 A. I don't believe so, no.

9 Q. So you believe that anywhere where there's  
10 an X, you requested it prior to whatever the  
11 earliest date is listed in the "date requested"  
12 field?

13 A. Yes.

14 Q. Okay. The next column is "copy received."  
15 What information did StoneTurn employees record in  
16 that column?

17 A. Again, it would be similar to the "copies  
18 requested" column. We'd put an X if we received it  
19 and then later we would put -- later in time, for  
20 later requests, we would indicate the date we  
21 received it, a particular document.

22 Q. And under "date index," which is the next  
23 column, what information did you record in that  
24 column?

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1 A. That would be the date that the actual  
2 indexing took place.

3 Q. And I noticed for the first -- well, for  
4 the first 34 pages of the index, 33 and a half  
5 pages, there's no data in that "date indexed"  
6 field.

7 A. Yes.

8 Q. I take it you did not initially record  
9 that information.

10 A. Yeah. Initially --

11 MS. TROAKE: Objection. Can I just say,  
12 you keep saying "you"; do you mean StoneTurn,  
13 him personally, or everyone who was reviewing  
14 documents?

15 MR. LORENZINI: I mean everyone.

16 BY MR. LORENZINI:

17 Q. Let me lay a little foundation here.

18 Mr. Martinez, did the StoneTurn employees follow a  
19 standard practice and procedure in creating this  
20 index?

21 A. Yes, they did. Over time, that procedure  
22 evolved.

23 Q. And did you play a supervisory role in  
24 ensuring that the StoneTurn employees working with

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1 you adhered to that policy and procedure?

2 A. Yes, I did.

3 Q. All my questions in this, if I use the

4 word "you," I mean StoneTurn employees.

5 A. StoneTurn, okay.

6 I'm sorry, what was the --

7 Q. I take it you didn't initially record any

8 information in the "date indexed" field.

9 A. Yes, that's correct. This goes to the

10 issue of our expectation that we would have all

11 these documents fairly quickly upon our initial

12 work reviewing these documents. When it later

13 became evident that the production was going to

14 take place over months and months, we started

15 identifying when the documents were indexed.

16 Q. So if there's no date in the "date

17 indexed" field, those are documents that were made

18 available by Abbott during your initial visits to

19 the Abbott facilities?

20 MS. TROAKE: Objection. Can you be a bit

21 more specific what you mean by initial visits?

22 BY MR. LORENZINI:

23 Q. Well, if there's no date listed in the

24 "date indexed" field, those are documents that

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1 would have been produced prior to whatever the  
2 earliest date is in the "date indexed" field,  
3 correct?

4 A. That is -- it is likely, and I can't  
5 remember precisely when we started putting the  
6 dates of indexing in. But generally speaking, yes,  
7 it was the earlier documents that were -- I think  
8 our first visit was June, late June, early July,  
9 and then we visited a couple more times in July and  
10 so forth.

11 So I think those early visits, we were not  
12 indicating the date indexed. In fact, this field  
13 didn't even exist at that point in time. And then  
14 once, later in time, as you see on page 34, you  
15 know, you see that we started putting it in.

16 Q. The next column over is "reviewer." What  
17 data did you record in that field?

18 A. Again, this was -- the reviewer column  
19 would indicate the initials of the person actually  
20 doing the indexing.

21 Q. And you used the initials of the reviewers  
22 in that column?

23 A. Yes.

24 Q. The next column over is "location." What

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1 data did you record in that field?

2 A. Again, that was the location of the

3 documents, where the documents were sitting, were

4 resident.

5 Q. And a number of the rows have no

6 information recorded in the "location" field. For

7 those documents, do you know which location the

8 documents were made available at?

9 A. Um, again, the location field wasn't

10 filled out because we didn't realize we had a need

11 to track that information. Again, because we

12 thought we were going to receive all the documents,

13 you know, in close proximity in terms of time. But

14 we could -- yes, I know I could probably figure out

15 where most of these documents were located when we

16 reviewed them.

17 Q. I don't see in that "location" field any

18 address for the Mundelein facility. Is it safe to

19 assume that where that field is blank that the

20 documents were produced at the Mundelein facility?

21 MS. TROAKE: Objection.

22 BY MR. LORENZINI:

23 Q. I don't want to --

24 A. I'd have to look at it. I think generally

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1 speaking -- well -- well, first, page 34, that 1060  
2 North High Street address, I believe that is the  
3 Mundelein facility. I believe, generally speaking  
4 -- and again, I haven't tried to review that with  
5 this document for that particular issue, but  
6 generally speaking, I would say most of the early  
7 documents were produced in Mundelein, though there  
8 was production at the -- was it North Point -- I  
9 can't remember the address -- and the Green Bay  
10 address as well.

11 Q. We've already covered the columns titled  
12 "pallet," "box number," and "box ID," so let's move  
13 over to the "compound" column.

14 A. Okay.

15 Q. Do you see that?

16 A. Yes, I do.

17 Q. What data did the StoneTurn employees  
18 include under the "compound" column?

19 A. We included the identification of which  
20 compound the particular documents at issue related  
21 to.

22 Q. And how did you determine which compound  
23 the documents related to?

24 A. Well, typically, they would say on the

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1 face of the document; it would indicate.

2 Q. Do you mean on the front page?

3 A. It might be on the front page. It might

4 be on some subsequent page. But in the review of

5 the document, it would become apparent if the

6 document related to a particular compound or not.

7 Q. Did you -- did you make an attempt to read

8 every document carefully to determine all compounds

9 that were mentioned within that document --

10 MS. TROAKE: Objection.

11 Q. -- at the time you were creating this

12 index?

13 A. At the time we were creating the index, we

14 did not make an attempt to read all the documents.

15 We attempted to identify what the document related

16 to, what its general purpose was; again, what

17 compound it principally related to.

18 Q. Is it possible then that some of the

19 documents listed here in the index included

20 information regarding compounds that aren't listed

21 under the compound field?

22 MS. TROAKE: Objection.

23 A. Well, a couple of things. One, sometimes

24 the compound field isn't filled out when there are

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1 multiple compounds or it relates to a broader  
2 category.

3 Secondly, I know, just in my recollection,  
4 that a compound -- a document that relates to  
5 compound, you know, 627, for instance, might  
6 reference other compounds as well, and did -- and  
7 some of these do reference other compounds, because  
8 it's hard to look at these things in isolation.

9 But for instance, if the document that was prepared  
10 related to compound 627, that's how we listed it  
11 here.

12 Q. So your practice, the practice of the  
13 StoneTurn employees, was to list in this compound  
14 column the primary compound or compounds to which  
15 the document related?

16 A. Yeah. Our practice was to identify what  
17 the document was. And typically in -- either in  
18 its title or in some early portions of that  
19 document it was either apparent or not apparent  
20 that the document related specifically to a  
21 particular compound or not.

22 Q. And that --

23 A. And that would be the compound that we  
24 would identify in that compound column.

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1 Q. Even if that document might make some  
2 reference to another doc -- to another compound?

3 MS. TROAKE: Objection.

4 A. Yeah. Again, I mean, I think the way I've  
5 indicated is if the document -- and if you look at  
6 -- if you look at any of these examples, the very  
7 first line item on page 1, you know, it says A --  
8 the file name is A-147627, that's -- that's study  
9 blah, blah, blah. It goes on. But that basically  
10 indicates that it relates to the 627 compound.

11 Again, in -- and this is volume 62 of 115.  
12 In that particular volume, and even in that whole  
13 body of 115 volumes, there, in almost all cases,  
14 are references to other compounds. This document  
15 was prepared for the purpose of dealing with the  
16 627 compound, however, so that's how we listed it.

17 Q. Moving over to the next column, the column  
18 heading is "file name."

19 A. Yes.

20 Q. What data did the StoneTurn employees  
21 record under the "file name" heading?

22 A. Here we would record, you know, the title  
23 of the document if it was -- if it had a formal  
24 title, or in many cases -- and again, looking at

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1 this first page, there are a number of investigator  
2 packages.

3 These were essentially files that were  
4 kept for these particular investigators. And so it  
5 was really the name or the title on the file folder  
6 that indicated what was contained in this document  
7 itself.

8 Q. Were there some documents that didn't have  
9 a clear title on the front page?

10 MS. TROAKE: Objection.

11 A. I think in the later documents reviewed  
12 there were some that -- they might have had a  
13 title, but the title might not -- we might not have  
14 known what that meant or we might not have felt  
15 that it was indicative of what the documents were.  
16 So, yes.

17 Q. I'm just wondering if you ever included  
18 under the file name heading anything other than the  
19 title that appeared on the face of the document?

20 A. Yes. We would have.

21 Q. And in what instances would you record  
22 something other than the title on the face of the  
23 document?

24 A. Well, I think you probably --

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1 MS. TROAKE: Objection.

2 A. I think you'll probably find here some

3 places where we've grouped together documents.

4 There are miscellaneous documents related to

5 compound 627, for instance.

6 Q. Any other instances in which you recorded

7 information under the file name other than what was

8 on the face of the document?

9 A. You know, I have --

10 MS. TROAKE: Objection. Can I just ask,

11 are you asking him just for general examples

12 or do you want him to go through the index and

13 point to ones that he specifically recalls

14 dealing with?

15 BY MR. LORENZINI:

16 Q. I'm asking about the general policy and

17 procedure that you followed in inputting

18 information in this "file name" field. If you

19 would like to flip through the index to refresh

20 your recollection, please feel free to do so.

21 A. I mean, yes, I can see there are instances

22 in this index where we had various -- for instance,

23 I think I saw one that said "various technical

24 documents." We would group together documents

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1 based on what those documents contained.

2 Q. So sometimes if a group of documents were  
3 related, you would list them in a single row under  
4 a general heading such as you just described?

5 A. Yeah. It really depended upon whether  
6 they were specifically labeled. I mean, as you can  
7 see, looking at this index, there are multiple  
8 volumes of the same document, and we'd list those  
9 all separately.

10 In some instances, there were -- there  
11 were like documents that we might have grouped  
12 together and we indicated such on the -- on the --  
13 in the file name category or column.

14 Q. For example, if you turn to page 60 --

15 A. Yes.

16 Q. -- if you look down several rows, you'll  
17 see a file name, "various probability assessments,  
18 3/19/02, 3/20/02, 3/19/02, 3/14/02."

19 A. I'm sorry. I'm not seeing that.

20 MS. TROAKE: What compound?

21 BY MR. LORENZINI:

22 Q. 492.

23 A. 492? Various probability assessments,  
24 okay, yes, I see that.

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1 Q. And then if you look a little father down,  
2 another several rows down, you'll see "various  
3 clinical protocol forms and research forms, various  
4 teleconference agendas."

5 A. Yes.

6 Q. Are those examples of where you thought --  
7 you or one of the StoneTurn employees determined  
8 that a group of documents were related, and entered  
9 a general heading rather than list the title of  
10 each particular document?

11 A. Yes.

12 Q. Okay. Is there any other information that  
13 the StoneTurn employees recorded under the "file  
14 name" heading other than what you've testified to  
15 so far?

16 MS. TROAKE: Objection. And other than  
17 what the 69-page document says?

18 A. I haven't looked at every line of this, so  
19 I don't -- I can't say definitively if there are  
20 any other broad categories. But our intention in  
21 -- intention to populate this "file name" field was  
22 to provide some description of the document, you  
23 know, that would be used along with, you know, what  
24 compound that -- those documents related to, if

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1 there was specific information there.

2 And we haven't got there yet, but the type  
3 of document and the date range that the documents  
4 related to, so that we could go back again after we  
5 had seen the entire universe of information  
6 available and sort this database by compound, by  
7 type of document, by dates and to determine what we  
8 had to work with.

9 Q. If the documents that were being reviewed  
10 were redacted, did the StoneTurn employees make  
11 note of that in the "file name" field?

12 A. Yes, in some instances we did.

13 Q. Did -- was that your standard practice to  
14 note whether a document was redacted?

15 A. Yes.

16 Q. Under "document type," which is the next  
17 column over, what information did you record in  
18 that field?

19 A. Well, if the document seemed to be a --  
20 seemed to be one of a more common form or type of  
21 document, so for instance if it was a board of  
22 directors presentation, if it was a development  
23 overview, if it -- if we started seeing a document  
24 repeatedly, we'd put a document type there so we

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1 could come back and look for all the documents that  
2 related to that -- to that type of document.

3 Q. Under the next column, "date range," what  
4 information did you record in that field?

5 A. In that field, we recorded the -- the  
6 year, if it was identifiable that the document  
7 related to or was prepared in.

8 Q. Do you have at StoneTurn an electronic  
9 version of Exhibit 10?

10 A. Yes.

11 Q. Has it been updated or revised at all  
12 since the initial creation at the Abbott  
13 facilities, other than consolidating the various  
14 reviewers' separate indices into one combined  
15 index?

16 MS. TROAKE: Objection.

17 A. I guess it -- to clarify your question,  
18 are you asking me is the index exactly the same as  
19 it was the first day we started using it or --

20 Q. No. No. Once you had completed your  
21 review of the documents at the Abbott facility, and  
22 had a consolidated index, did you make any  
23 revisions to that index after that point?

24 MS. TROAKE: Objection.

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1 A. I did not make any revisions.

2 Q. Do you know if anyone at StoneTurn made

3 any revisions?

4 A. I don't know other than -- I don't have

5 specific knowledge if anyone did or did not. I

6 imagine somebody cleaned it up because it had

7 different people working on it, but I don't think

8 anything substantive was changed.

9 Q. I'll come back to Exhibit 10 later.

10 MR. LORENZINI: But I'd like to mark

11 another exhibit for now.

12 (Exhibit No. 11, JHII 021645 - 646, marked

13 for identification.)

14 BY MR. LORENZINI:

15 Q. Mr. Martinez, you have before you what's

16 been marked as Martinez Exhibit 11. It is a

17 two-page index. Do you recognize this document?

18 A. I have -- I looked at this document

19 yesterday but I don't -- I don't recognize it other

20 than having seen it yesterday.

21 Q. You don't know who created this document?

22 A. I don't.

23 Q. Who is JD? Is that Josh Dennis?

24 A. That's correct.

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1 Q. Under the "reviewer" column in Exhibit 11?

2 A. Yes.

3 Q. And MH is Mark Hair?

4 A. I assume so.

5 Q. If you look back at Exhibit 10 at the very

6 end of the document --

7 A. Yes.

8 MS. TROAKE: Page 69?

9 MR. LORENZINI: Correct.

10 BY MR. LORENZINI:

11 Q. You'll see that the last document listed

12 is from pallet 19, box 16.

13 A. Yes, I see that.

14 Q. And Exhibit 11 includes documents that are

15 described as being part of pallet 19 and boxes --

16 various boxes, 3, 6, 17, 14.

17 Does that -- does that suggest to you that

18 Exhibit 11 is a continuation of the index that has

19 been marked as Exhibit 10?

20 MS. TROAKE: Objection. He said he didn't

21 recognize Exhibit 11.

22 A. Yeah. I don't know -- I don't know. But

23 it looks like Exhibit 11 is a sort of some sort but

24 I -- I don't know what Exhibit 11 -- I don't know

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1 what the purpose of Exhibit 11 is.

2 Q. Do you know if on March 9th, 2005

3 StoneTurn reviewed documents that were part of a  
4 pallet labeled pallet 19?

5 A. Yes. I believe that on March 9th of 2005,  
6 StoneTurn did review documents on pallet 19.

7 Q. And do you know if there was a box 17 on  
8 pallet 19 on that date?

9 A. Yes, I do. I have an understanding that  
10 there was a box 17.

11 (Exhibit No. 12, JHII 021595 - 596, marked  
12 for identification.)

13 BY MR. LORENZINI:

14 Q. You have before you a two-page index  
15 that's been marked as Exhibit 12.

16 A. I only have one page.

17 MR. LORENZINI: Did you get two pages?

18 MR. GRIESINGER: Yeah.

19 BY MR. LORENZINI:

20 Q. Exhibit 12 has the heading "John Hancock  
21 files from document index flagged to be copied and  
22 not received by StoneTurn."

23 A. Yes.

24 Q. Do you recognize this document?

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1 Q. Have you reviewed all of the documents  
2 that have been produced in the Hancock-Abbott  
3 litigation?

4 MS. TROAKE: Objection. Which litigation?

5 BY MR. LORENZINI:

6 Q. Both Hancock I and Hancock II.

7 A. I personally have not reviewed every  
8 document that was produced in either litigation.

9 Q. Do you know if members of the StoneTurn  
10 team have reviewed every document that's been  
11 produced in the Hancock I and Hancock II litigation  
12 by Abbott?

13 A. I do know that the StoneTurn team has had  
14 electronic access to a database that contains --  
15 and I'm not sure if it's all the documents or some  
16 portion of the documents, but some portion of those  
17 documents produced in the litigations, and we had  
18 search capabilities and we looked for all the  
19 documents that we had not yet received.

20 Q. How did you look for those documents on  
21 this online database?

22 A. Again, I didn't perform the queries but  
23 someone at StoneTurn performed the queries, looking  
24 for the documents as we had titled them, looking

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1 for -- doing various queries to try to find these

2 documents based on what we'd indexed.

3 Q. Are the documents on this online database

4 that you received from Choate text-searchable?

5 MS. TROAKE: Objection.

6 A. I don't know the answer to that.

7 Q. Do you know who performed the search of

8 the online database for documents that StoneTurn

9 had not previously received?

10 A. I don't know who specifically did perform

11 those searches.

12 Q. Do you know when those searches were

13 performed?

14 MS. TROAKE: Objection.

15 A. I believe that work was performed in 2006

16 at some point.

17 Q. Was it early 2006?

18 A. I just don't recall precisely when we

19 gained access to that information, to that

20 database. My recollection is it's probably around

21 mid 2006.

22 Q. Do you know if that database that Choate

23 has given you access to includes all of the

24 documents that Choate has received from Abbott

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1 during the Hancock I and Hancock II litigation?

2 MS. TROAKE: Objection. I think he's

3 already answered that.

4 A. I don't know -- I don't know if it

5 includes everything or not from both litigations.

6 Q. So you don't know whether Choate, Hall &

7 Stewart has received a copy of the "Getting the

8 Measure of the Market" document from Abbott?

9 MS. TROAKE: Objection.

10 A. I don't have any personal knowledge of

11 what Choate, Hall has received from Abbott.

12 Q. Are there any other documents listed on  
13 Exhibit 12 that you believe StoneTurn was not able  
14 to locate in its search of the online database that  
15 you received from Choate?

16 MS. TROAKE: Objection.

17 A. I -- I recall that we had done this  
18 analysis to try to find all of these items. I  
19 recall there were a number that we could not find.  
20 I don't specifically recall what those particular  
21 documents were that we could not find.

22 Q. And this was the search that you think you  
23 did back in mid 2006?

24 A. Yeah. And in that approximate time frame

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1 knowledge. I didn't see him create it.

2 (Exhibit No. 16, JHII 021505 - 525, marked

3 for identification.)

4 BY MR. LORENZINI:

5 Q. Mr. Martinez, you have before you what's

6 been marked as Exhibit 16. It appears to be a set

7 of invoices from StoneTurn to Choate, Hall &

8 Stewart. Do you recognize this set of documents

9 that's been marked as Exhibit 16?

10 A. Yes, I do.

11 Q. And are these in fact invoices from

12 StoneTurn to Choate, Hall & Stewart for work

13 performed in connection with the John Hancock audit

14 of Abbott?

15 MS. TROAKE: Objection.

16 A. Yes, they appear to be.

17 Q. Does StoneTurn invoice Choate, Hall &

18 Stewart separately for work related to the

19 litigation as opposed to the audit?

20 MS. TROAKE: Objection.

21 A. Um, I mean, we invoice them in the same

22 way. Do we -- do we differentiate the work, the

23 hours; is that what you're asking or --

24 Q. Correct. Do you break -- either send

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1 separate invoices or break out on the invoice work  
2 performed on the audit versus work performed on the  
3 litigation?

4 A. I don't think we -- there's no  
5 identification of the different work, other than at  
6 different points in time.

7 Q. Meaning that after a certain point in  
8 time, all of your work's been related to the  
9 litigation as opposed to the audit?

10 MS. TROAKE: Objection.

11 A. Well, see, I'm having trouble  
12 distinguishing between what's the audit and what's  
13 the litigation at some point. So I think generally  
14 we just bill them for the hours we incur because  
15 the two -- the litigation and the audit are -- I  
16 don't have a clear distinction in my mind between  
17 the two.

18 Q. Do the invoices that are marked as  
19 Exhibit 16 represent the entire set of invoices  
20 that StoneTurn has submitted to Choate, Hall &  
21 Stewart in connection with the audit?

22 A. I'm sorry. What was the question again?

23 Q. Is this the entire set of invoices that  
24 StoneTurn provided to Choate, Hall & Stewart for

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1 work related to the audit?

2 A. Again, I'm having trouble with what's the

3 dividing line between the audit and the -- and the

4 litigation. For instance, I think what's not --

5 would not be included in these bills would be my

6 time for the last deposition, which -- is that part

7 of the audit, is that part of the litigation? I

8 just don't know.

9 But this is -- I think these are all the

10 bills through the point in time of the last -- I

11 think the last bill here goes through April 1st of

12 2005.

13 Q. All right. And are there any services

14 that StoneTurn has provided since the date of this

15 last invoice, April 18th, 2005, that in your mind

16 relates more to the audit than to the litigation?

17 MS. TROAKE: Objection.

18 A. See, again, I'm still at that -- I mean, I

19 still have trouble -- because I'm having trouble

20 distinguishing between the audit and the

21 litigation, for instance my last deposition, does

22 that relate to the audit because I'm testifying

23 about the audit? I don't --

24 Q. What other services have you performed

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1 that you are having trouble distinguishing as audit  
2 versus litigation related?

3 MS. TROAKE: Objection. I'm going to  
4 instruct him not to answer to the extent it  
5 would reveal attorney/client communications or  
6 work product.

7 A. Yeah. I mean, I think all -- I think  
8 based on those instructions there's really nothing  
9 more that I can say. Everything I've learned has  
10 come from counsel and directed by counsel.

11 Q. Are you able to identify any services  
12 after April 18th, 2005 that StoneTurn has performed  
13 that relate to the audit?

14 MS. TROAKE: Objection.

15 A. I mean, again, I'm -- my last deposition,  
16 it's about the audit, so I don't know --

17 Q. In addition to the deposition.

18 A. In the deposition prep --

19 MS. TROAKE: Again, I caution you, exclude  
20 anything from your answer that might reveal  
21 attorney/client communication or work product.

22 A. I mean, anything that related to  
23 identification of documents we still hadn't  
24 received after this April 1st date, you know, from

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1 Abbott, and I'm not sure what the extent of that  
2 work was, but in my mind that would relate to the  
3 audit because it would -- because it did.

4 Q. Anything else?

5 A. That's all I recall as I sit here. But  
6 again, I don't have a -- sort of the caveat again,  
7 I don't have a clear distinction between the  
8 litigation and the audit.

9 Q. And did Choate, Hall & Stewart request  
10 that StoneTurn identify documents not received in  
11 the audit?

12 MS. TROAKE: Objection. And I'm going to  
13 instruct him not to answer on the grounds of  
14 attorney/client privilege, work product.

15 A. I take counsel's instruction there.

16 Q. Well, you produced a document that  
17 purports to identify documents requested and not  
18 received.

19 MR. TROAKE: Right. With the specific  
20 reservation that it would not constitute a  
21 waiver of attorney/client privilege or work  
22 product.

23 MR. LORENZINI: I'm not suggesting --

24 MS. TROAKE: You're asking whether he did

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1 BY MR. LORENZINI:

2 Q. Exhibit 16, you testified, represents

3 invoices for services performed by StoneTurn in

4 connection with the audit, correct?

5 A. I think what I said was --

6 MS. TROAKE: Objection.

7 A. -- these are invoices for this time

8 period.

9 Q. Okay. Have you made any attempt to

10 determine whether any of the costs reflected in

11 these invoices was due to any alleged failures by

12 Abbott to comply with its audit obligations under

13 the research-funding agreement?

14 MS. TROAKE: Objection. Same instruction.

15 But if you can answer excluding

16 attorney/client communications or work

17 product, you can, if you know, answer.

18 A. No.

19 (Exhibit No. 17, JHII 021501 - 504, marked

20 for identification.)

21 MR. LORENZINI: Oh, let's take a break for

22 five minutes or so.

23 (Proceedings interrupted at 10:17 a.m.

24 and reconvened at 10:23 a.m.)

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1 BY MR. LORENZINI:

2 Q. Mr. Martinez, you have before you what's

3 been marked as Exhibit 17.

4 A. Yes.

5 Q. Do you recognize this document? I'll just

6 state for the record that the heading is, "John

7 Hancock/Abbott, Choate, Hall & Stewart, StoneTurn

8 timesheet report, time slip system

9 through 9/30/05."

10 Do you recognize this document?

11 A. Yes.

12 Q. What is it?

13 A. This is a document I looked at yesterday.

14 It appears to be a summary of time incurred by

15 StoneTurn related to this project.

16 Q. What -- strike that.

17 Does StoneTurn have standard policies and

18 procedures for recording of time by employees of

19 StoneTurn?

20 MS. TROAKE: Objection. Do you mean now

21 or back then?

22 BY MR. LORENZINI:

23 Q. During 2004 and 2005.

24 A. We did not have explicit policies at this

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1 Q. Did you look at any other documents  
2 relating to the research-funding agreement before  
3 your initial visit to the Abbott facilities?

4 A. I think I -- what I recall is what I just  
5 indicated, looking at the contract between the  
6 parties and then the annual research plans; that's  
7 what I recall looking at.

8 Q. If you take a look, moving down on  
9 Exhibit 17, maybe about 15, 20 rows down -- well, I  
10 guess it's more than that. You'll see an entry for  
11 June 30th, 2004; eight hours, "document review at  
12 Abbott"?

13 A. Yes.

14 Q. Does that represent your time at the  
15 Abbott facility reviewing documents?

16 A. That would represent -- that would include  
17 my time at that Abbott facility as well as the time  
18 I might spend related to the index that we talked  
19 about, updating the index, helping coordinate the  
20 integration of the various people's indices.

21 Q. Does it also include time spent talking to  
22 other StoneTurn employees who were there at the  
23 facility on that date?

24 A. Yeah. In the course of the review, we did

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1 communicate with each other.

2 Q. And did you also during that day have

3 communications with Choate, Hall & Stewart by

4 telephone?

5 MS. TROAKE: Objection. If you recall,

6 you can answer yes or no.

7 A. Yes.

8 Q. And that's not specifically reflected in

9 this entry, right?

10 MS. TROAKE: Objection.

11 A. I mean, I think the entry is -- it speaks

12 for itself.

13 Q. Right. The entry is "document review at

14 Abbott"?

15 A. Yeah. Yes.

16 Q. You've testified that you also during that

17 day, June 30th, had communications by telephone

18 with Choate, Hall & Stewart, communications with

19 other StoneTurn employees, you were involved in

20 creating an index. So my question is, is it

21 correct that you didn't spend eight solid hours

22 actually reviewing the documents at the Abbott

23 facility, correct?

24 MS. TROAKE: Objection.

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1 attorney/client communication and work  
2 product. You're asking him what analysis he  
3 undertook with respect to the documents.

4 MR. LORENZINI: (Nodding head up and  
5 down.) And it's your position that any  
6 analysis undertaken by StoneTurn of documents  
7 produced by Abbott in the audit relates to the  
8 litigation?

9 MS. TROAKE: No. That's not my position.

10 MR. LORENZINI: Well, then, how is it  
11 protected by work product if it doesn't relate  
12 to litigation?

13 MS. TROAKE: You said any analysis,  
14 broadly. I would say no, not all of it. But  
15 some of it might and if they're doing analysis  
16 of documents relating to the audit to  
17 determine whether there's contractual  
18 compliance, in my view that's privileged.

19 BY MR. LORENZINI:

20 Q. Mr. Martinez, did you conduct any analysis  
21 of Abbott documents for purposes other than in  
22 relation to the litigation between Hancock and  
23 Abbott?

24 MS. TROAKE: Objection. You can answer

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1 that yes or no.

2 A. I can't even answer it yes or no because I

3 still have that blurred distinction between the

4 audit and the litigation. So I don't know how to

5 answer that.

6 Q. I'm going to ask one more time. Putting

7 aside any work that you in your mind were doing in

8 connection with the litigation or at direction of

9 counsel, what type of analysis did you perform of

10 the documents produced by Abbott?

11 MS. TROAKE: I'm sorry. Can you read that

12 back?

13 THE REPORTER: "Question: 'I'm going to

14 ask one more time. Putting aside any work

15 that you in your mind were doing in connection

16 with the litigation or at direction of

17 counsel, what type of analysis did you perform

18 of the documents produced by Abbott?"

19 MS. TROAKE: Can you put a time frame on

20 that, Eric?

21 BY MR. LORENZINI:

22 Q. Prior to the filing of the Hancock II

23 litigation.

24 MS. TROAKE: Okay.

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1 THE WITNESS: So the question --

2 MR. GRIESINGER: Can you tell me when the

3 hell that was, so I --

4 MS. TROAKE: June '05.

5 MR. LORENZINI: Thanks.

6 A. So the question is, what analysis I did

7 not related to the litigation, period? Is that the

8 question?

9 Q. Correct.

10 A. Is that what I'm -- that wasn't directed

11 by counsel? And back to this issue that -- I mean,

12 our whole project was directed by counsel. So I

13 mean, whether it was -- that's a problem I'm

14 having, I guess. We were tasked by counsel to do

15 this particular audit. So everything was directed

16 by counsel in a broad sense.

17 Q. So are you testifying that you are unable

18 to answer my question without violating your

19 attorney's instructions to avoid disclosing

20 attorney/client privilege or work product material?

21 MS. TROAKE: Can we do this? Can we take

22 a short break and clarify because I think

23 there's something he could probably answer

24 here but I think we're getting a bit -- a bit

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1 (Exhibit No. 19, John Hancock/Abbott

2 summary of available monthly project status

3 reports as of 3/11/05, JHII 021638 -- 643,

4 marked for identification.)

5 BY MR. LORENZINI:

6 Q. I'm going to come back, Mr. Martinez, to

7 the issue of what substantive analysis StoneTurn

8 conducted of Abbott documents prior to filing the

9 litigation. But first I think it would be useful

10 to look at some of the other documents that have

11 recently been produced by StoneTurn.

12 Could you turn to the document that's just

13 been marked as Exhibit 19.

14 A. Yes.

15 Q. Do you recognize this document?

16 A. Yes.

17 Q. I'll state for the record that the heading

18 is, "John Hancock/Abbott summary of available

19 monthly project status reports as of 3/11/05."

20 What is this document?

21 A. I'm sorry. This -- as far as the title,

22 this is documents received as of 3/18/05. Are we

23 looking at the same?

24 Q. Oh, I think the order of the copies is

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1 different. The copy I'm looking at has --

2 A. This is the only copy I have with anything

3 on it.

4 Q. Oh.

5 MR. LORENZINI: Does yours have another

6 page?

7 MS. TROAKE: No, mine's the same. It goes

8 from 21638 to 43. Is that what you wanted?

9 MR. LORENZINI: Yeah. The copies are

10 missing a page. Could we take a break for a

11 minute. I'll try to get a corrected copy of

12 this document.

13 Oh, you know, I have it right here. I

14 want to attach this to the top of it.

15 (Exhibit No. 19, JHII 021637 - 643,

16 remarked for identification.)

17 BY MR. LORENZINI:

18 Q. Mr. Martinez, I apologize for the

19 confusion. We were missing a page on the exhibit.

20 So we've just marked a corrected version --

21 A. Okay.

22 Q. -- of this exhibit, which starts with JHII

23 021637 and goes through 021 -- what's the last page

24 you have?

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1 A. 643.

2 Q. Okay. And the first page of this

3 corrected exhibit states, "Summary of available

4 monthly project status reports as of 3/11/05."

5 Do you recognize Exhibit 19?

6 A. Yes.

7 Q. What is it?

8 MS. TROAKE: I'm sorry. Are you just

9 referring to 21637 or the whole thing?

10 MR. LORENZINI: The entire thing.

11 A. Well, I don't know -- I don't know what

12 21639 through 21643 are. But 21637 and 21638 are

13 analyses of -- well, I believe this -- these are

14 analyses that Mr. Hair conducted or performed. And

15 21637 is, as the title would indicate, a summary of

16 available monthly project status reports as of

17 March 11th of '05.

18 And there's a note there that indicates

19 that the responses are based on the indexed Abbott

20 documents, not on actual documents received as of

21 3/11/05. And this -- it's a summary of available

22 monthly project status reports by compound.

23 Q. And who created this document?

24 A. I believe Mr. Hair created it.

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1 Q. Did you have any involvement in the  
2 creation of this document?

3 A. No.

4 Q. Are you familiar with a type of document  
5 produced by Abbott in the audit that you referred  
6 to as monthly project status reports?

7 MS. TROAKE: Objection. I don't think he  
8 referred to it as that. I think he was just  
9 reading from the document.

10 BY MR. LORENZINI:

11 Q. Am I correct that Abbott produced  
12 documents in the litigation that were in the nature  
13 of monthly project status reports?

14 MS. TROAKE: Objection.

15 A. In -- are you saying in the litigation --

16 Q. I'm sorry. Strike that. I meant in the  
17 audit. Abbott produced documents in the audit that  
18 were monthly project status reports for the  
19 compounds, correct?

20 A. Generally speaking, yeah, I think they had  
21 different names, but broadly speaking they did  
22 produce monthly -- some monthly reports.

23 Q. And what type of information was contained  
24 in the monthly project status reports?

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1 MS. TROAKE: Objection.

2 A. As I sit here, you know, three years

3 later, I don't remember what those were. But they

4 were -- I remember, broadly speaking, there was

5 technical, there was financial, there was

6 business-related information in some of those.

7 Q. And these were project status reports for

8 a particular compound?

9 MS. TROAKE: Objection.

10 BY MR. LORENZINI:

11 Q. Each status report related to a particular

12 compound; is that correct?

13 A. Yeah. The status reports were specific to

14 a compound.

15 Q. And the documents generally provided

16 information regarding the status of that compound?

17 MS. TROAKE: Objection.

18 A. Again, I don't recall specifically what

19 they contained but they were some sort of

20 management report to convey information about that

21 compound at a given interval.

22 Q. Including the phase of development?

23 A. Again --

24 MS. TROAKE: Objection.

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1 A. -- I don't recall precisely what was in

2 them and they were not all uniform.

3 Q. If you look down at the footnote of this

4 document it says, "Responses based on index of

5 Abbott documents and not based on actual documents

6 received from documents as of 3/11/05."

7 A. Yes.

8 Q. Did you ever have any communication with

9 Mr. Hair regarding the meaning of that footnote?

10 A. No.

11 Q. So you have no personal knowledge of what

12 that means?

13 A. I have -- I mean, I can read it at its

14 face value, but I don't -- I didn't communicate

15 with Mr. Hair about that note.

16 Q. You'll see under 2001 on the first page of

17 Exhibit 19, there's an X for March of 2001 for all

18 but two of the compounds.

19 A. Yes.

20 Q. And the two compounds where there's no X

21 are ABT-100 and ABT-724?

22 A. Yes.

23 Q. Is it correct that -- is it correct --

24 strike that.

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1 Do you understand this document to mean  
2 that Abbott had made available to John Hancock  
3 monthly project status reports from March 2001 for  
4 all of the compounds except for those two?

5 MS. TROAKE: Objection. To the extent you  
6 know, you can answer.

7 A. Based on this particular representation  
8 put together by Mr. Hair, it's my understanding  
9 that StoneTurn on behalf of John Hancock saw or  
10 indexed for March of 2001 the monthly reports for  
11 all but two of the compounds.

12 Q. And if you look back at the document  
13 marked as Exhibit 2 --

14 A. Yes.

15 Q. -- please look at Category 6 of Exhibit 2.

16 A. Yes.

17 Q. You'll see that one of the subject matters  
18 of the audit that StoneTurn was performing was to  
19 assess the stage and -- stage of development and  
20 status of each program compound as of March 13th,  
21 2001. Am I correct that March 2001 monthly project  
22 status reports for the program compounds would be  
23 relevant to conducting that assessment?

24 MS. TROAKE: Objection.

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1 status report for a compound that's dated  
2 March 2001 would be a good place to start in  
3 assessing the stage of development and status of  
4 the program compound as of March 13th, 2001?

5 MS. TROAKE: Objection.

6 A. I don't -- as I sit here, until I know the  
7 universe of information, I don't know where a good  
8 place to start is. That's precisely why we did the  
9 index, so we could then take a look at all the  
10 information that was produced, evaluate where a  
11 good place to start was. In absence of -- in  
12 absence of complete information, it's hard to say  
13 what -- what a good place to start is.

14 Q. You're familiar with investigator packages  
15 that Abbott produced in the audit, correct?

16 A. Yes, I recall that Abbott produced  
17 investigator packages.

18 Q. And those relate to clinical trials of the  
19 program compounds?

20 MS. TROAKE: Objection. If you know.

21 A. Broadly speaking, the investigator  
22 packages relate to investigators that were somehow  
23 related to the clinical studies.

24 Q. Investigators at the clinical trial sites,

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1 development level, but management at the business  
2 level and so forth.

3 So there's -- there's all sorts of  
4 information that could be relevant to that  
5 question.

6 Q. And so part of what would be relevant to  
7 assessing the stage of development and status of  
8 the compounds would be management-level documents  
9 regarding the program compounds?

10 A. Well, again, there's all sorts of things  
11 and I can't speculate as to what Abbott -- don't  
12 want to speculate as to what Abbott has or doesn't  
13 have. But we want everything that's responsive to  
14 our requests --

15 Q. Right.

16 A. -- or to the John Hancock request and once  
17 we get that information, we will use it and weigh  
18 it based on what's available.

19 Q. And would pharmaceutical -- are you  
20 familiar with the pharmaceutical executive  
21 committee documents that were produced by Abbott?

22 A. I believe there were some board minutes.  
23 I can't remember the precise name of the body but I  
24 know there were some board minutes.

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1 Q. And did those board minutes discuss the  
2 program compounds?

3 MS. TROAKE: Objection.

4 A. I believe some of those minutes discussed  
5 compounds, yes.

6 Q. So those would have been relevant to  
7 assessing the stage of development and status of  
8 the program compounds?

9 A. Again, you have to understand the universe  
10 of information before we can assess what's -- I  
11 mean, there are obviously various degrees of  
12 relevance. And so for our purposes, until you know  
13 everything that's available, you don't know what's  
14 more relevant than something else. And so until we  
15 have that universe of information, it's -- you  
16 know, there's various degrees of relevance. And I  
17 guess that's all I can say to that.

18 Q. So your policy was that, even though  
19 Abbott started producing documents on June 30th,  
20 2005, and completed its production in March --  
21 strike that.

22 Even though Abbott started its production  
23 of documents on June 30th, 2004 and completed its  
24 production on March 30th, 2005, you did not take

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1 any substantive analysis of any of the documents  
2 during that time to assess Abbott's compliance with  
3 the research-funding agreement because you were  
4 waiting to have a complete set of all the documents  
5 produced?

6 MS. TROAKE: Objection.

7 A. We evaluated certain documents along the  
8 course of reviewing those documents. But we were  
9 -- we were, and as I think I've testified to many  
10 times now, our strategy was to wait until we  
11 received all of the information and then assess the  
12 most appropriate course of evaluating compliance.

13 And so without a complete set of  
14 information, without the universe of information  
15 that was going to be available to us, we didn't  
16 want to go headlong into any sort of analyses that  
17 would later possibly prove to be irrelevant or less  
18 relevant than something that would be more  
19 appropriate or more relevant that might be produced  
20 at the, you know, the last day, so to speak. So I  
21 think that answers your question.

22 (Exhibit No. 20, JHII 021607 - 611, marked  
23 for identification.)

24 BY MR. LORENZINI:

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1 Q. Mr. Martinez, you have before you what's  
2 been marked as Exhibit 20. It's a document titled,  
3 "John Hancock-Abbott Compound Summary Matrix  
4 Metalloproteinase Inhibitor (MMPI Program)  
5 ABT-518".

6 A. Yes.

7 Q. Do you recognize this document?

8 A. Yes, I do.

9 Q. What is it?

10 A. I believe this is the summary that  
11 Mr. Hair put together related to what information  
12 we had come across as of some particular date  
13 related to the compound ABT-518.

14 Q. Do you know when Mr. Hair created this  
15 document?

16 A. I don't recall the date.

17 Q. Do you know what the purpose of this  
18 document was?

19 A. I believe the purpose was to understand  
20 what we knew about this particular compound at the  
21 time that he created this.

22 Q. And why did you want to know -- strike  
23 that. Was this part of your contract compliance  
24 audit, the creation of this document?

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1 A. Yeah. It was part of our work related to  
2 the compliance.

3 Q. And what specifically were you hoping to  
4 achieve with the creation of this document?

5 MS. TROAKE: Objection. He testified he  
6 didn't create it.

7 BY MR. LORENZINI:

8 Q. Do you know what Mr. Hair's purpose was in  
9 creating this document?

10 A. I'm -- I don't know what his specific  
11 purpose was in creating this document.

12 Q. Did you ever have any discussions with him  
13 about this document?

14 A. Yes.

15 Q. When was that?

16 A. I don't -- again, I don't recall when this  
17 was created, but at or around the time this was  
18 created or being created.

19 Q. Did you ask him to create this document?

20 A. We probably discussed the -- discussed  
21 something around this document together. I'm not  
22 sure I asked him specifically, but --

23 Q. And is this an analysis of documents that  
24 had been produced by Abbott in the audit?

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1 A. Well, this was based upon what we had seen  
2 that had been produced in the audit, yes.

3 (Exhibit No. 21, JHII 021612 - 619, marked  
4 for identification.)

5 BY MR. LORENZINI:

6 Q. Mr. Martinez, you have before you what's  
7 been marked as Exhibit 21. It's a document with  
8 the heading, "John Hancock-Abbott Compound Summary,  
9 Cholinergic Channel Modulator, ABT-594."

10 Do you recognize this document?

11 A. Yes.

12 Q. What is it?

13 A. Again, it's my understanding this is a  
14 document similar to Exhibit 20 that was created by  
15 Mr. Hair to summarize our understanding of what we  
16 knew about this particular compound, compound  
17 ABT-594, as of the date that he created it.

18 Q. Do you know when he created it?

19 A. I don't recall, no.

20 Q. And the documents described in here are  
21 documents that were produced by Abbott in the  
22 audit?

23 A. The basis --

24 MS. TROAKE: Objection.

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1 A. The basis of StoneTurn's understanding  
2 about anything related to this compound would have  
3 come from the Abbott production and/or the  
4 information we received in advance of that  
5 compliance review.

6 (Exhibit No. 22, JHII 021620 - 626, marked  
7 for identification.)

8 BY MR. LORENZINI:

9 Q. Mr. Martinez, you have before you what's  
10 been marked as Exhibit 22 and it has the same title  
11 as Exhibit 21 except it is different -- the Bates  
12 numbers on this document are JHII 021620 through  
13 021626.

14 I should clarify for the record, when I  
15 say JHII, I mean JH Roman numeral II.

16 Do you recognize this document that's been  
17 marked as Exhibit 22?

18 A. Yes, I do.

19 Q. What is it?

20 A. It is again similar to Exhibits 20 and 21  
21 that we just discussed. It's a summary created by  
22 Mr. Hair related to this particular compound.

23 Q. And do you know when it was created?

24 A. I do not, no.

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1 Q. And your understanding is that this  
2 document describes documents that had been produced  
3 by Abbott in the audit?

4 MS. TROAKE: Objection.

5 BY MR. LORENZINI:

6 Q. Or made available to StoneTurn prior to  
7 the audit?

8 A. Yeah. The only basis for understanding  
9 anything about this compound or any of the  
10 compounds would have been the documents produced.

11 Q. So is your answer yes?

12 A. I'm sorry. What was the question?

13 Q. This document marked as Exhibit 22, it's  
14 your understanding that it describes and summarizes  
15 documents produced by Abbott in the audit?

16 MS. TROAKE: Objection.

17 A. Yeah, again, or -- yes, and including  
18 documents that we might have received in  
19 preparation for the audit.

20 (Exhibit No. 23, JHII 021627 - 635, marked  
21 for identification.)

22 BY MR. LORENZINI:

23 Q. Mr. Martinez, you have before you what's  
24 been marked as Exhibit 23. It's a document with

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1 the heading, "John Hancock-Abbott compound summary,  
2 Dopamine receptor agonist program, ABT-724."

3 Do you recognize this document?

4 A. Yes.

5 Q. What is it?

6 A. Again, similar to Exhibits 20, 21 and 22,  
7 this looks to be a summary prepared by Mr. Hair  
8 related to the ABT-724 compound.

9 Q. And is it your understanding that this  
10 document summarizes documents produced by Abbott in  
11 the audit and/or documents made available to you  
12 for review in preparation for the audit?

13 A. Yes. Again, our only basis for any  
14 understanding of these compounds and this compound  
15 in particular would have been documents related to  
16 this audit.

17 Q. So your answer is yes, then?

18 A. Yes. The underlying basis for this  
19 summary came from documents reviewed.

20 Q. And produced by Abbott?

21 A. Documents produced by Abbott or documents  
22 -- for instance, I think -- and I'm not sure if  
23 this one in particular but some of these documents  
24 reference the annual research plans and the

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1 Q. Prior to being given to Choate, Hall &  
2 Stewart to be produced to Abbott in the litigation,  
3 had StoneTurn provided Exhibits 20 through 24 to  
4 Choate, Hall & Stewart, to your knowledge?

5 A. I obviously need to check with Mark, as I  
6 think he created them. To my knowledge, I believe  
7 20, 21, 22 and 23 were -- were produced or were  
8 provided to Choate, Hall & Stewart. I don't know  
9 about 24.

10 Q. Did -- strike that. Do you know if  
11 Choate, Hall & Stewart asked StoneTurn to create  
12 these documents that have been marked as Exhibits  
13 20 through 24?

14 A. I don't know.

15 Q. Can you turn back to Exhibit 19, please.

16 A. Sure.

17 Q. The last several pages of this document,  
18 starting with 021639 and going through 021643, are  
19 entirely redacted. Do you know what information  
20 was on these pages before they were redacted?

21 A. I do not.

22 Q. If you turn to page JHII -- strike that --  
23 JHII 021638, the heading on this page is Summary of  
24 Available Monthly Highlights, Interoffice Memos.

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1 Q. Have you made any effort to determine what  
2 portion of the time reflected on this timesheet  
3 report, if any, was attributable to alleged  
4 failures by Abbott to comply with its audit  
5 obligations?

6 MS. TROAKE: Objection.

7 A. No.

8 Q. Looking at this timesheet report now, can  
9 you identify any entries that reflect work that  
10 would not have been performed if Abbott had done  
11 everything to respond to your audit demand that you  
12 believe it should have done?

13 MS. TROAKE: Objection.

14 A. I'm sorry. Your question again? Have I  
15 -- I'm sorry.

16 Q. Are there any entries on this timesheet  
17 report that you can identify as reflecting work  
18 that was performed by StoneTurn that it wouldn't  
19 have otherwise had to perform if Abbott had done  
20 everything you think Abbott should have done to  
21 respond to your audit?

22 MS. TROAKE: Objection. And again, do you  
23 want him to go entry by entry and tell you  
24 whether that particular entry would have or

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1 would have not been undertaken; is that what  
2 you're asking?

3 MR. LORENZINI: No. I'm asking if he can  
4 identify any particular entries that fall into  
5 the category I just described.

6 MS. TROAKE: But so he'd have to go item  
7 by item on that whole exhibit, the three-page  
8 exhibit, right?

9 MR. LORENZINI: I don't know what he has  
10 to do but I'm asking the question and he  
11 should do whatever he --

12 MS. TROAKE: Well, I don't think he can  
13 answer the question without going item by  
14 item.

15 BY MR. LORENZINI:

16 Q. Take your time, Mr. Martinez, I'm not -- I  
17 don't -- I certainly don't want to rush you.

18 A. So you're asking me -- and I'm just trying  
19 to get a handle on this question. This is a  
20 hypothetical -- this is a hypothetical, I guess,  
21 right? So hypothetically, if Abbott had responded  
22 appropriately -- and I'm not trying to use that  
23 word in any other -- had responded to all the  
24 requests -- see there's a time element there, too.

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1 So when did they respond?

2 Did they -- you know, my -- initially

3 again, this goes back to -- initially, we

4 anticipated this to be a month, month and a half,

5 two-month project where we would go and we'd look

6 at a lot of documents and we'd figure out what we

7 have; we'd look at the universe of documents, we

8 would then do all of our -- the analysis we deemed

9 necessary based on the documents that were

10 available, to determine if Abbott was in compliance

11 with certain provisions of the agreement between

12 Abbott and John Hancock.

13 So in a very broad sense, anything that

14 took place after two months time wouldn't have

15 needed to take place because we thought we'd be

16 done in two months time. That's how long these

17 things typically might take, you know, but if -- so

18 there's a lot to this hypothetical. I don't know

19 if I can answer that because there's so many moving

20 parts.

21 Q. What would you have to know to answer that

22 question?

23 A. Well, I'd have to know when they produced

24 documents and what they produced. So probably you

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1 could provide me some assumption as to when, but  
2 it's like trying to understand documents that they  
3 didn't even produce and how I would have  
4 interpreted them is just pure speculation on my  
5 part.

6 I don't know what they produced. I don't  
7 know if, you know, in the end if we had to go back  
8 and database the whole pallet full of payroll  
9 records and somehow we could get a chart of  
10 accounts so we could make sense of that  
11 information.

12 MR. GRIESINGER: And you want him to  
13 assume that people who would explain the  
14 documents or respond to inquiries would be  
15 made available? I mean, what are you asking  
16 him to assume?

17 A. I mean, there are so many -- there are so  
18 many unknowns, and, yeah --

19 Q. I think you testified last time to things  
20 that in your view Abbott should have done  
21 differently. So I'm including in my question all  
22 of those -- all of those things.

23 MS. TROAKE: Well, I'm going to object  
24 right there. Unless you're going to direct

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1 him to precisely what he testified previously  
2 as to what they should have done as part of  
3 your hypothetical question, I don't see how --  
4 I mean, it's going to be pure speculation.

5 BY MR. LORENZINI:

6 Q. Okay. You testified last time that Abbott  
7 in your view should have made employees available  
8 for interviews.

9 A. Yeah.

10 Q. Can you identify any entries on this  
11 timesheet that reflect work done by StoneTurn that  
12 would not have had to be done or could have been  
13 done in a shorter time period if Abbott had  
14 provided employees for interviews?

15 MS. TROAKE: Object. Again, it's an  
16 incomplete hypothetical to the extent you  
17 mischaracterized his prior testimony. There's  
18 lots of other stuff that he testified to that  
19 Abbott should have done.

20 MR. LORENZINI: I'm limiting it to this  
21 particular issue.

22 MS. TROAKE: Then it's an incomplete  
23 hypothetical. If you can answer, Chris, you  
24 can.

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1 MR. LORENZINI: Please, just the  
2 objections.

3 A. I mean, there are so many issues here. If  
4 Abbott would have shown up on day one and said,  
5 yeah, there's 14 pallets of boxes here, but the  
6 ones you're really looking for are these four over  
7 here because those other 400 have all sorts of  
8 information technical in nature.

9 I just don't know, because I don't know  
10 what -- I don't know what documents actually exist  
11 that they could have produced. I wasn't in those  
12 meetings. I don't know what meetings exist. I  
13 don't know if all the meeting minutes were even  
14 kept or if those meetings actually took place.

15 I don't know what these people would have  
16 told me because they would have had to tell me  
17 something specific about the documents that would  
18 lead us in a certain direction.

19 I mean, it's speculating on so many  
20 different dimensions. It's speculating on what  
21 documents are actually available, what documents  
22 could be available, what direction and the level of  
23 accuracy of that direction Abbott personnel would  
24 have given.

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1       There's a time element to that that's also  
2       an unknown. And that's the best I can answer that.  
3       I don't know how -- I can't say specifically one  
4       way or the other what would or would not have, as I  
5       sit here right now.

6       Q. Can you identify any entries on this  
7       timesheet report that reflect work performed by  
8       StoneTurn that either would not have been performed  
9       or could have been performed more quickly if Abbott  
10      had produced all of the documents sooner than they  
11      did?

12      MS. TROAKE: Objection. The same grounds.

13      It's an incomplete hypothetical.

14      A. Yeah, I mean, if they had produced exactly  
15      what they produced here and they produced it more  
16      quickly, I mean, how much more quickly? You know,  
17      clearly we spent time, and I don't know, spent time  
18      going back through the index, going back through  
19      the documents because time would elapse between  
20      review of documents.

21      So there's a lot of inefficiency when you  
22      have to -- to reevaluate information. You know,  
23      the very fact we had to modify our index over time  
24      because so much time was stretching out between the

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1 If I look at documents on June 30th of 2004 and  
2 don't look -- and then here, it's, you know, let's  
3 just say it's March 28th of 2005 when more  
4 documents arrive, you know, but nine months has  
5 elapsed in time, understanding of documents that  
6 was once clear has sort of faded based on the  
7 passage of time -- requires a rework of those  
8 documents.

9 I don't know what the actual impact of  
10 that is, but there's some. The fact that we had to  
11 do summaries of information -- of information that  
12 once was sort of very clear to us is maybe one  
13 indication of an inefficiency.

14 When you can move directly from reviewing  
15 documents to analyzing the documents into  
16 summarizing your findings, you don't have  
17 inefficiencies because it's all fresh in your mind  
18 and it's fresh in the mind of the people analyzing  
19 the information. You don't have to wait for  
20 responses. You know, you've got all the  
21 information at your fingertips.

22 Q. So can you quantify the time attributable  
23 to the inefficiencies you just described?

24 MS. TROAKE: Objection.

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1 A. Can I quantify? Is it possible for me to  
2 quantify? I haven't tried to quantify at this  
3 point.

4 Q. Can you identify any entries on this  
5 timesheet that are attributable to the  
6 inefficiencies you identified?

7 MS. TROAKE: Objection.

8 A. I mean, this -- in the -- conceptually,  
9 the way you would quantify it is you'd create a  
10 robust hypothetical, say this is the way it should  
11 have been; you'd compare it to your actual. But  
12 the thing is, the should-have-been is going to be  
13 completely different because we would have actually  
14 completed the audit.

15 In the real world, the actual case, we  
16 never completed the audit. So you've got -- you're  
17 almost comparing apples and oranges there.

18 Q. Can you identify any -- any time that was  
19 spent by StoneTurn that was attributable to  
20 Abbott's failure to provide you with an index of  
21 the documents?

22 MS. TROAKE: Objection.

23 A. I haven't tried to do that, no.

24 Q. Can you identify any entries on this

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1 A. StoneTurn did not -- was unable to  
2 complete the audit because of insufficient  
3 information provided by Abbott.

4 Q. What do you mean by complete the audit?

5 A. Well, we were never able to render any  
6 opinions about compliance, which is what we had  
7 been retained to do.

8 Q. Was that the only purpose for which you  
9 were retained?

10 MS. TROAKE: Objection.

11 A. I mean, we were retained to do this, to  
12 conduct this audit. I think as time went by, we  
13 did some other things and I think we referenced the  
14 second litigation.

15 Q. Right. I think you testified that in your  
16 mind that there's a blurred line between the audit  
17 and the litigation?

18 A. That's right.

19 Q. Didn't John Hancock receive a benefit in  
20 connection with receiving documents from StoneTurn  
21 -- strike that.

22 You testified before that StoneTurn made  
23 available to Choate, Hall & Stewart documents  
24 produced by Abbott in the audit, correct?

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1 MS. TROAKE: I'm sorry. Can you read that  
2 back, please.

3 THE REPORTER: Just the last part: "You  
4 testified before that StoneTurn made available  
5 to Choate, Hall & Stewart documents produced  
6 by Abbott in the audit, correct?"

7 MS. TROAKE: I'm going to object. I don't  
8 know that he testified to that earlier.

9 A. I believe we provided some information to  
10 Choate, Hall & Stewart that had been copied for us,  
11 that had been produced by Abbott related to the  
12 audit.

13 Q. Did you provide all the documents produced  
14 by Abbott to Choate, Hall & Stewart?

15 MS. TROAKE: Objection. All the documents  
16 made available by Abbott in the audit, did  
17 StoneTurn give those to Choate, Hall &  
18 Stewart?

19 BY MR. LORENZINI:

20 Q. No. Let's limit it to, did you provide  
21 all the documents to Choate, Hall & Stewart that  
22 StoneTurn had requested from Abbott and that Abbott  
23 had copied and provided to StoneTurn?

24 A. We did subsequent to the request for

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1 documents. I don't believe we did prior to that.

2 I think there were some documents that we did

3 convey.

4 Q. So you're saying you didn't provide

5 Choate, Hall & Stewart with all of the documents

6 produced by Abbott in the audit until a later

7 point, but you did provide them with selected

8 documents?

9 MS. TROAKE: Objection.

10 A. I believe that's the case. And again,

11 it's the timing of issues and that's where you get

12 into the -- everything we did related to the audit

13 but, you know, stemmed from the audit and that's

14 where I'm getting into this blurry world of what

15 was the audit and what was the litigation.

16 Q. And presumably you provided Choate, Hall &

17 Stewart with the documents that you believed were

18 most relevant.

19 MS. TROAKE: Objection. Most relevant to

20 what?

21 BY MR. LORENZINI:

22 Q. Let me rephrase the question. How did you

23 determine which documents to provide to Choate,

24 Hall & Stewart that had been produced by Abbott in

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1 the audit?

2 A. I think if there was an issue related to a

3 particular compound and we had information related

4 to that compound, we would -- we provided that

5 information.

6 Q. Do you know if Hancock made use of the

7 documents you provided to it?

8 MS. TROAKE: Objection. You can answer

9 yes or no.

10 A. I don't know what use they made.

11 Q. I think you testified before that

12 StoneTurn also provided Choate, Hall & Stewart with

13 the analyses of documents produced by Abbott

14 relating to various program compounds, the

15 documents that were marked as Exhibits 20 through

16 24.

17 MS. TROAKE: I'm going to object. I don't

18 think 24 was included in his prior testimony.

19 BY MR. LORENZINI:

20 Q. You did provide Exhibits 20 through 23 to

21 Choate, Hall & Stewart, correct?

22 A. Again, I didn't personally provide them.

23 I believe they were provided and Mark Hair would

24 know more so than I.

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1 Q. And why did you provide those reports to  
2 Choate, Hall & Stewart?

3 A. I don't know. I didn't provide them.

4 Q. You don't know why StoneTurn provided  
5 them?

6 A. I don't know other than presumably to  
7 share our understanding of those compounds at that  
8 date of that analysis.

9 Q. And presumably that was of some value to  
10 Choate, Hall & Stewart?

11 MS. TROAKE: Objection.

12 A. You know, I don't know if we provided it  
13 at our own -- on our own initiative or what. So I  
14 don't know how -- what value was made of that  
15 information.

16 Q. But presumably StoneTurn wouldn't have  
17 provided the documents marked as Exhibits 20  
18 through 23 to Choate, Hall & Stewart if it thought  
19 they were of no value?

20 MS. TROAKE: Objection. He's already  
21 testified he didn't know why they were  
22 provided.

23 A. I guess, conceptually, I don't make a  
24 habit of providing things that don't have value but

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1 I didn't ultimately provide that information, so I  
2 don't know what was conceived of in terms of value  
3 or not value or what.

4 MR. LORENZINI: Let's take a short break.

5 (Proceedings interrupted at 12:11 p.m.

6 and reconvened at 12:19 p.m.)

7 BY MR. LORENZINI:

8 Q. Mr. Martinez, could you turn to the  
9 second-to-last page of what's previously been  
10 marked as Martinez Exhibit 7.

11 A. Yes.

12 Q. You testified last time, I believe, that  
13 this was a --

14 MS. TROAKE: I'm sorry, Eric. Do you mean  
15 Exhibit B to the interrogatory responses,  
16 which are Exhibit 7, just so we're clear?

17 MR. LORENZINI: Correct.

18 BY MR. LORENZINI:

19 Q. Exhibit B. And the heading on this  
20 document, this portion of the document, is  
21 "documents requested to be produced by Abbott for  
22 audit purposes in December 2004."

23 A. Yes.

24 Q. And I believe you testified last time that

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1 A. Yes.

2 MS. TROAKE: I'm sorry. What page?

3 MR. LORENZINI: Page 13.

4 MS. TROAKE: Thank you.

5 BY MR. LORENZINI:

6 Q. You'll note that -- actually, sorry to  
7 confuse you here, but turning back to Exhibit 7,  
8 the particular page we were looking at --

9 A. Yes.

10 Q. -- lists as number 7, 8 and 9 some  
11 categories of documents relating to a study of  
12 ABT-594 called study M-99-114.

13 A. Yes.

14 Q. And do you see there that Choate, Hall &  
15 Stewart in this request was asking Abbott to  
16 produce documents relating to that particular  
17 study?

18 A. Yes.

19 Q. Turn to Exhibit 10 again, please. If you  
20 look a little more than halfway down the document,  
21 you'll see listings for compound ABT-594 where the  
22 file name is described as M-99-114 case reports  
23 forms, volume 1 through 47, followed by M-99-114,  
24 medical review notes, volumes 1 to 3, followed by

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1 M-99-114 case reports, forms, screen failures. Do  
2 you see that?  
3 A. Yes, I do.  
4 Q. Based on your knowledge of this index  
5 that's been marked as Exhibit 10, is it your  
6 understanding that these documents listed on this  
7 page of Exhibit 10 reflect information related to  
8 the M-99-114 clinical trial of ABT-594?  
9 MS. TROAKE: I'm going to object. You  
10 identified some particular entries on that  
11 page. Are you referring to those particular  
12 entries or everything on that page of  
13 Exhibit 10?  
14 MR. LORENZINI: Those particular entries.  
15 A. Yes. I'm familiar with those related to  
16 the clinical study.  
17 Q. And you testified before that the entries  
18 on Exhibit 10 that don't have a date were among the  
19 earlier productions by Abbott.  
20 A. Generally speaking, yes.  
21 Q. And so is it safe to assume that these  
22 particular entries that we were just referring to  
23 regarding the M-99-114 study documents -- they  
24 don't have a date listed here on the index. Is it

Martinez, Christopher (Linked) (Not Videotaped) 3/22/2007 9:00:00 AM

1 safe to assume that those were among the early  
2 productions by Abbott?

3 A. Generally speaking, yes.

4 Q. And also they were part of pallet 4?

5 A. Yes.

6 Q. And pallet 4 was one of the pallets of  
7 documents produced on the first day of Abbott's  
8 production, correct?

9 A. Correct.

10 Q. So am I correct that Abbott produced  
11 documents relating to the M-99-114 study on the  
12 first day of production, June 30th, 2004?

13 A. In or around that time, yes; they were  
14 produced early in the production.

15 Q. And in fact, they were extensive  
16 documents, including a 47-volume set, a  
17 three-volume set, as well as an additional series  
18 of documents?

19 MS. TROAKE: Objection.

20 A. Well, I mean they weren't -- there was a  
21 lot of information there. It was in fact these  
22 documents that you're referencing which gave rise  
23 to the questions about further documentation  
24 related to that -- that study.

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1 It's -- it's the review of the information  
2 that we received and looked at that gave rise to  
3 these questions, and that's how we were even aware  
4 of this study M599-114 [sic].

5 Q. So it was useful to you that Abbott had  
6 produced documents relating to M-99-114 on that  
7 initial day of production?

8 A. We would have no understanding of what  
9 Abbott's studies were except for the information  
10 they produced. So we only became aware of that  
11 particular study based on their production of  
12 documents.

13 Q. And that was useful to you?

14 A. It created questions.

15 Q. Well, it provided you with information  
16 that you didn't previously have, correct?

17 A. We didn't have any information about  
18 Abbott's compound development programs or clinical  
19 studies or anything. We didn't have any of this  
20 information before we walked in the door so we were  
21 essentially a blank slate related to Abbott's  
22 compound development on June 30th of 2004.

23 Q. And did StoneTurn provide information  
24 regarding the M-99-114-case study to John Hancock's

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1 counsel, Choate, Hall & Stewart?

2 A. I don't know.

3 Q. Well, Choate, Hall & Stewart created this  
4 document that's part of Exhibit 7, correct?

5 A. Yeah. That's my understanding.

6 Q. So they must have received that  
7 information from StoneTurn regarding M-99-114,  
8 correct?

9 A. Well, I don't --

10 MS. TROAKE: Objection. If you know.

11 A. I don't know if any documents were  
12 transmitted, I don't know if it came from our  
13 discussion with them. I just don't know what, if  
14 anything, was transmitted.

15 Q. If you'd look at Exhibit B of Exhibit 7,  
16 please focus your attention on number 10, and that  
17 is a request for documents that refer or relate to  
18 Abbott's Pharma Executive Management Committee and  
19 any of the program compounds.

20 A. Yes.

21 Q. Do you recall that Abbott produced in the  
22 audit documents that related to Abbott's Pharma  
23 Executive Management Committee?

24 A. Again, I think that would be my

Martinez, Christopher (Linked) (Not Videotaped) 3/22/2007 9:00:00 AM

1 understanding; otherwise we would have no basis to  
2 know that such a Pharma Executive Management  
3 Committee actually existed. So, yes, it would be  
4 my understanding that they did produce documents  
5 that referenced that group.

6 Q. And in fact after this December 2004  
7 request for that specific category of documents,  
8 Abbott produced even more documents relating to the  
9 Pharma Executive Committee meetings, correct?

10 A. I'd have to refer to the index. I don't  
11 have a recollection one way or the other on that.

12 Q. Could you refer to page 57, please.

13 A. Yes.

14 Q. About 20 rows up from the bottom, do you  
15 see that there's an entry that states "PEC meeting  
16 July 13th, 2004, action items, Atrasentan team"?

17 A. I do see that.

18 Q. Is it your understanding that PEC in this  
19 entry refers to the Pharma Executive Committee?

20 A. You know, I'd have to look at the  
21 document. I don't --

22 Q. You don't know what PEC stands for?

23 A. I don't know as I sit here, no.

24 Q. If it does stand for Pharma Executive

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1 Committee -- well, let me just strike that.

2 Do you see that you are the one who

3 inputted this particular entry?

4 A. Yes. I do see that.

5 Q. Your initials are reflected on that row?

6 A. Yes.

7 Q. And you still don't recall whether PEC

8 stands for Pharma Executive Committee?

9 MS. TROAKE: Objection.

10 A. Again, I indexed this information on

11 January -- in January of 2005. There were a lot of

12 acronyms. I think the document would clear that

13 up, but I just don't recall.

14 Q. If you look at number 11 of Exhibit B to

15 Exhibit 7, you'll see that in December 2004,

16 Choate, Hall & Stewart was requesting that Abbott

17 produce in the audit "documents that constitute,

18 refer, or relate to any Abbott decision analysis

19 with respect to any of the program compounds."

20 A. Yes.

21 Q. Do you recall what document that Abbott

22 did produce in the audit documents relating to

23 Abbott's decision analysis with respect to the

24 program compounds?

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1 A. Well, I don't have direct recollection but  
2 if we had decision analysis here in quotations I  
3 think we must have seen reference to such analyses  
4 in documents, because the basis of all of our  
5 understanding of what Abbott did or analyzed came  
6 from these documents.

7 Q. And do you recall that after this  
8 December 2004 request, Abbott provided additional  
9 documents relating to its decision analysis?

10 A. As I sit here, I don't recall one way or  
11 the other whether they did or not.

12 Q. Do you recall seeing in the documents  
13 produced by Abbott documents referring to a  
14 decision support group or DSG?

15 A. I don't recall one way or the other on  
16 that.

17 Q. If you turn to Exhibit 7, Exhibit B,  
18 number 14 --

19 A. Yes.

20 Q. -- Choate was requesting in December 2004  
21 that Abbott produce in the audit documents that  
22 constitute, refer, or relate to the 2001 APU or  
23 2001 April update --

24 A. Yes.

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1 Q. -- referenced in Mr. Tom Lyon's letter to

2 Steve Blewitt dated November 26, 2001?

3 A. Yes.

4 Q. Do you see that?

5 A. I do see that, yes.

6 Q. Do you recall that Abbott in fact did

7 produce in the audit documents that were responsive

8 to this category?

9 A. I don't recall as I sit here.

10 Q. Could you turn to page 67 of Exhibit 10,

11 please.

12 A. Okay.

13 Q. If you look about halfway down, there's a

14 set of entries that begin "banded set, GPRD 2001

15 April update schedules," and then the next several

16 entries are similar in that they refer to GPRD 2001

17 April update --

18 A. Yes.

19 Q. -- and/or 2001 APU.

20 A. Yes, I see that.

21 Q. Does that refresh your recollection that

22 Abbott produced documents responsive to number 14

23 of the Choate request?

24 A. Again, I'd want to look at the documents.

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1 But just on the face of it, it looks like those  
2 documents relate to request 14. I'm not sure if  
3 they're a comprehensive response or not. But I do  
4 see those documents here on the index.

5 Q. And the next request on Exhibit B to  
6 Exhibit 7 is number 15, "any and all monthly  
7 reports or monthly updates that refer or relate to  
8 the development status or prospects of any of the  
9 program compounds"?

10 A. Uh-huh.

11 Q. I think we saw before a document that  
12 indicated that Abbott did produce a number of  
13 monthly reports and monthly updates that refer to  
14 the program compounds?

15 MS. TROAKE: Objection.

16 A. Again, this is a little bit circular  
17 because it was the very fact that we saw those  
18 documents but we saw them inconsistently, that we  
19 saw those monthly updates inconsistently, that led  
20 us to talking to Choate about asking for all of  
21 them, not just some of them.

22 So, yes, in fact, this is the same issue  
23 as with almost all of these requests; we saw some  
24 information that led us to believe that there was

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1 attended along with Brian Davis of Choate, Hall &  
2 Stewart and then the Winston Strawn attorney and  
3 Michele Campbell.

4 Q. Can you turn to number 17 of the Choate  
5 request, which asks for "documents that refer or  
6 relate to Abbott's nominal and/or expected  
7 investment cost with respect to any of the program  
8 compounds." Do you see that?

9 A. Yes, I do.

10 Q. Do you recall that Abbott did produce in  
11 the audit documents responsive to this request?

12 A. Again, I think this is the same issue. I  
13 don't think we would have identified those terms  
14 nominal and expected without having seen -- you  
15 know, having seen such a document to begin with.

16 Q. So the answer is yes?

17 A. So I think that it's to some level, to  
18 some extent, we saw an Abbott document that used  
19 those identifiers.

20 Q. If you look at the next entry, number 18  
21 of Choate's request, it asks for "documents that  
22 refer or relate to Abbott's potential and/or  
23 expected research and development costs with  
24 respect to any of the program compounds."

Martinez, Christopher (Linked) (Not Videotaped) 3/22/2007 9:00:00 AM

1 CERTIFICATE

2

3 I, CHRISTOPHER MARTINEZ, do hereby certify

4 that I have read the foregoing transcript of my

5 testimony, and further certify that it is a true

6 and accurate record of my testimony (with the

7 exception of the corrections listed below):

8 Page Line Correction

9

10

11

12

13

14

15

16

17

18

19 Signed under the pains and penalties of

20 perjury this \_\_\_\_ day of \_\_\_\_\_, 2007.

21

22

CHRISTOPHER MARTINEZ

23

24

Martinez, Christopher (Linked) (Not Videotaped) 3/22/2007 9:00:00 AM

1 CERTIFICATE

2 Commonwealth of Massachusetts

3 Suffolk, ss.

4

5 I, Dana Welch, Registered Professional

6 Reporter and Notary Public in and for the

7 Commonwealth of Massachusetts, do hereby certify

8 that CHRISTOPHER MARTINEZ, the witness whose

9 deposition is hereinbefore set forth, was duly

10 sworn by me and that such deposition is a true

11 record of the testimony given by the witness.

12 I further certify that I am neither related

13 to nor employed by any of the parties in or counsel

14 to this action, nor am I financially interested in

15 the outcome of this action.

16 In witness whereof, I have hereunto set my

17 hand and seal this 29th day of March, 2007.

18

19

\_\_\_\_\_  
Dana Welch

20 Notary Public

My commission expires:

21 October 22, 2010

22

23

24

# **Martinez Deposition Exhibit 1**

**D's Exhibit HK**

WINSTON & STRAWN LLP

42 RUE DU RHONE  
1204 GENEVA, SWITZERLAND

CITY POINT  
1 ROPEMAKER STREET  
LONDON, EC2Y 9HT

333 SOUTH GRAND AVENUE  
LOS ANGELES, CALIFORNIA 90071-1543

LAWRENCE R. DESIDERI  
(312) 558-5960  
ldesideri@winston.com

35 WEST WACKER DRIVE  
CHICAGO, ILLINOIS 60601-9703

(312) 558-5800

FACSIMILE (312) 558-5700

www.winston.com

200 PARK AVENUE  
NEW YORK, NEW YORK 10166-4183

21 AVENUE VICTOR HUGO  
75116 PARIS, FRANCE

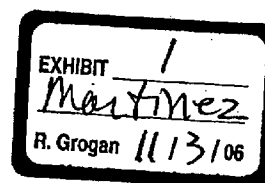
191 CALIFORNIA STREET  
SAN FRANCISCO, CALIFORNIA 94111-5894

1400 L STREET, N.W.  
WASHINGTON, D.C. 20005-3592

June 15, 2004

VIA FACSIMILE AND REGULAR MAIL

Brian A. Davis, Esq.  
Choate Hall & Stewart  
Exchange Place  
53 State Street  
Boston, Massachusetts 02109



Re: Research Funding Agreement Between Abbott Laboratories  
("Abbott") and John Hancock Life Insurance Company, John  
Hancock Variable Life Insurance Company and Investors Partners  
Life Insurance Company (collectively, "Hancock") Dated  
March 13, 2001 (the "Agreement")

Dear Mr. Davis:

I am writing regarding the firm Hancock has proposed pursuant to Section 2.5 of the above Agreement. As I have informed you from the outset of Hancock's audit request, Abbott is concerned that Hancock is engaging in a fishing expedition to gain advantage in the parties' pending litigation, rather than conducting a good faith independent audit. The information Abbott learned on Monday, June 7, 2004 about Hancock's proposed auditors confirms this concern.

The StoneTurn Group, which Hancock has proposed as its auditor, is principally in the business of providing litigation support and expert witness services to law firms, rather than conducting independent audits. One member of the StoneTurn Group, while at Deloitte & Touche, has provided litigation support services to your Firm on three separate occasions. As Mr. Napper said on the telephone on Monday, June 7, 2004, 80 to 90% of the StoneTurn Group's work is in the litigation support field, and law firms make up approximately 90% of the StoneTurn Group's clientele. Hence, it is clear to Abbott that Hancock has hired litigation experts to attempt to build a case against Abbott rather than independent auditors to conduct an audit as contemplated by this Agreement.

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ABBT 0000077

WINSTON & STRAWN LLP

Brian A. Davis, Esq.  
June 15, 2004  
Page 2

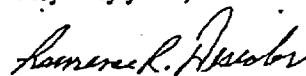
The qualifications of the individuals proposed by Hancock further confirms this conclusion. Mr. Napper is not a CPA. His practice focuses "almost exclusively" on intellectual property rather than anything relevant here. He has, however, testified on behalf of parties in litigation on more than 50 occasions within the last five years. Similarly, Mr. Martinez's relevant experience is principally in the intellectual property field and 80 to 90% of his present work is in the area of litigation support.

Abbott believes that Hancock's selection of what are essentially litigation experts to conduct broad litigation discovery, rather than retaining independent auditors to conduct a true audit, is contrary to the letter and spirit of the parties' Agreement. Accordingly, Abbott objects to the StoneTurn Group and Messrs. Martinez and Napper as independent auditors. Rather than engage in further debate with Hancock, however, Abbott is willing to permit them to proceed with their audit with the following understandings:

- Hancock agrees that neither the StoneTurn Group nor Messrs. Martinez and Napper will participate in any way as experts or litigation support in any litigation between Abbott and Hancock;
- Hancock and Choate, Hall & Stewart agree that no legal privileges exist between the StoneTurn Group and Choate, Hall & Stewart; and
- Hancock agrees that Abbott will be able to communicate directly and periodically with StoneTurn Group regarding the status of the audit.

Please let me know at your earliest opportunity whether these understandings are shared by Hancock and the StoneTurn Group. Additionally, please feel free to call me if you wish to discuss this further.

Very truly yours,



Lawrence R. Desideri

LRD/md

cc: Peter E. Gelhaar, Esq.

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ABBT 0000078

# **Martinez Deposition Exhibit 2**

**D's Exhibit HL**

John Hancock Financial Services, Inc.

Bond and Corporate Finance Group

John Hancock Place  
Post Office Box 111  
Boston, Massachusetts 02117  
(617) 572-9624  
Fax: (617) 572-1628  
E-mail: sblewitt@jhancock.com

Stephen J. Blewitt  
Senior Managing Director



April 12, 2004

BY FAX (847) 937-6683  
CONFIRMATION COPY BY U.S. FIRST CLASS MAIL

Mr. James L. Tyree  
Vice President, Global Licensing & New Business Development  
Abbott Laboratories  
200 Abbott Park Road  
Abbott Park, IL 60064-6189



Re: Research Funding Agreement by and between Abbott Laboratories and John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company, and Investors Partner Life Insurance Company, dated as of March 13, 2001

Dear Jim:

Pursuant to § 2.5 of the Research Funding Agreement by and between Abbott Laboratories and John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company and Investors Partner Life Insurance Company, dated as of March 13, 2001 (the "Agreement"), John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company and Investors Partner Life Insurance Company (collectively, "John Hancock") hereby give notice of the exercise of their right to inspect and audit all books and records of Abbott and of any Subcontractor<sup>1</sup> of Abbott with respect to the following matters:

1. All Program Related Costs expended by Abbott during each Program Year;
2. Compliance by Abbott with its obligations, under § 2.2 of the Agreement, to prepare and provide John Hancock with an Annual Research Plan, and to conduct the Research Program during each Program Year in accordance with the Annual Research Plan for such Program Year;
3. Compliance by Abbott with its obligation, under § 2.3 of the Agreement, to use Commercially Reasonable Efforts to conduct the Research Program in accordance with the requirements of § 2.3 of the Agreement;
4. Compliance by Abbott with its obligation, under § 4.3 of the Agreement, to substitute Program Compounds in accordance with the requirements of § 4.3 of the Agreement;

<sup>1</sup> Unless otherwise specified herein, capitalized terms used in this letter and in the attached Schedule A shall have the same definitions as those set forth in the Agreement.

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JHH 011883

5. Compliance by Abbott with its obligation, under § 4.3 of the Agreement, to out-license or divest Ceased Compounds to third parties in accordance with the requirements of § 4.3 of the Agreement;
6. The stage of development and status of each Program Compound as of March 13, 2001; and
7. The current stage of development and status of each Program Compound.

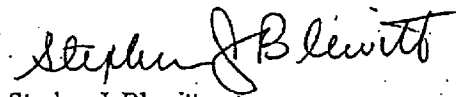
Attached hereto as Schedule A is a preliminary list of those categories of books and records that John Hancock reasonably expects will be made available for its inspection and audit of these matters. The list is provided solely to assist Abbott in complying with this notice, and not by way of limitation. John Hancock requests that all books and records of Abbott and its Subcontractors pertaining to the above-identified matters be made available for its inspection and audit, regardless whether such books and records are described on Schedule A.

John Hancock's inspection and audit of the books and records of Abbott, as set forth herein, shall be conducted by Christopher Martinez, Brian Napper and other employees of the StoneTurn Group, LLP, a firm of independent auditors retained by John Hancock. The audit shall take place during normal business hours commencing on May 12, 2004, and continuing from day to day thereafter until completion, subject to adjournment as may be necessary to accommodate scheduling exigencies. In accordance with § 2.5 of the Agreement, John Hancock reserves its right to designate for copying, at its initial expense (but subject to reimbursement by Abbott in accordance with § 2.5 of the Agreement), any or all of the books and records of Abbott that are subject to its inspection and audit.

Please inform me before the close of business on May 5, 2004 of the specific location at which Abbott will make its books and records available for inspection and audit pursuant to this notice. Please also provide me with the name of the person who the StoneTurn Group's representatives should contact upon their arrival to begin their inspection and audit.

Thank you for your anticipated cooperation.

Very truly yours,



Stephen J. Blewitt

Attachment

cc: General Counsel (by fax, 847-938-6277; confirmation copy by mail)  
Lawrence R. Desideri, Esq.  
Peter E. Gelhaar, Esq.  
Brian A. Davis, Esq.  
Michael Arthur Walsh, Esq.

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**JHII 011884**

## Schedule A

1. All records and documents indicating expenditures made by Abbott related to any compound that is now or ever was a Program Compound, including the following:
  - a. Abbott's standard policies and procedures related to accounting for project/program related expenditures;
  - b. Abbott's chart of accounts as relevant to accounting for project/program related expenditures;
  - c. Summary of costs/expenditures incurred by Program Compound by year delineating expenditures by nature (e.g., direct costs incurred by Abbott, subcontractor costs, allocated indirect costs, etc.);
  - d. Accounting framework for compiling the expenditures presented (i.e., whether cost assembled on an accrual or cash basis of accounting);
  - e. Identification of whether expenditures presented were capitalized or expensed under General Accepted Accounting Procedures ("GAAP") definitions;
  - f. Summary of the timing of expenditures for each Program Compound within each year presented;
  - g. Contracts or other governing documents and information related to all Research Program activities performed by Subcontractors;
  - h. Reconciliations of annual expenditures by Program Compound to the audited financial statements of Abbott;
  - i. Calculations, algorithms, and basis for all allocations included in the total expenditures by Program Compound by year;
  - j. Abbott standard policies and procedures related to allocation of indirect costs;
  - k. Expenditure/Costs summaries and/or reports prepared in the normal course of managing the development of each Program Compound; and
  - l. Underlying supporting records (e.g., timesheets, payroll records, purchase orders, invoices, etc.) for all expenditures made related to each Program Compound.
2. All records and documents discussing or evidencing the implementation and conduct of the Research Program, including but not limited to:
  - a. Reports/Updates/Summaries prepared by Abbott in the normal course of managing the development of the Program Compounds;
  - b. Listing of all reports/updates/summaries typically prepared by Abbott during the normal course of developing an experimental pharmaceutical compound;
  - c. Minutes/Summaries/Notes from all management meetings in which any of the Program Compounds were reviewed or approved for further development funding;
  - d. Analysis and documentation supporting all forward looking projections of expenditures to be incurred for each Program Compound by year;

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- e. Abbott policies and guidance as to the appropriate and/or required methods/approaches/procedures for conducting a research program for an experimental pharmaceutical compound;
  - f. Abbott's internal approval framework for determining whether or not to continue to fund and develop an experimental pharmaceutical compound, including all relevant thresholds for approval along the compound development process; and
  - g. Minutes/Summaries/Notes from all Abbott meetings regarding continued funding of product development for any Program Compounds.
3. All records and documents concerning Abbott's obligations under § 4.3 of the Agreement, including but not limited to:
- a. Records identifying any and all Replacement Compounds;
  - b. Records identifying any and all Failed Early Stage Program Compounds;
  - c. Records identifying any and all Ceased Compounds;
  - d. All documents pertaining to Abbott's consideration or selection of any compound to replace any Failed Early Stage Program Compound;
  - e. Records identifying any and all compounds that Abbott held out as or considered to be "back up" compounds for the compounds that constituted the Program Compounds (i) on the effective date of the Agreement, and (ii) as of the end of each calendar year 2001 through 2003; and
  - f. All documents pertaining to the actual or attempted out-licensing or divestiture of any Ceased Compound.
4. All records and documents concerning the status of each Program Compound as of March 13, 2001 and currently, including but not limited to:
- a. Reports/Summaries/Meeting Minutes which indicate the stage of development of each compound that originally constituted a Program Compound during the first calendar quarter of 2001;
  - b. Records describing the various stages into which Abbott generally categorizes the pre-clinical and clinical development of experimental pharmaceutical compounds;
  - c. Records indicating when each Program Compound reached each stage of pre-clinical or clinical development into which Abbott generally categorizes the pre-clinical and clinical development of experimental pharmaceutical compounds;
  - d. Reports/Summaries/Meeting Minutes which evidence the current status of each Program Compound; and
  - e. Management Reports and/or other documents prepared in the normal course of business which indicate future prospects and development expectations for each Program Compound.

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**JHII 011886**

# **Martinez Deposition Exhibit 3**

## **D's Exhibit HM**



Michelle L Campbell

07/19/2004 08:52 AM

To: "Chris Martinez" <cmartinez@stonetum.com>

cc:

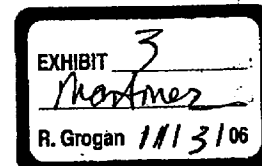
Subject: RE: Hancock audit

Chris -

The city is in Waukegan. Feel free to call with any questions.

Michelle

Michelle L. Campbell  
Litigation Paralegal  
Abbott Laboratories  
Dept. 324 Bldg. AP6D  
100 Abbott Park Road  
Abbott Park, Illinois 60064  
Phone: 847-937-1518  
Fax: 847-938-6235



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---

"Chris Martinez" <cmartinez@stonetum.com>



"Chris Martinez"  
<cmartinez@stonetur  
n.com>

07/16/2004 04:19 PM

To: <michelle.campbell@abbott.com>

cc:

Subject: RE: Hancock audit

Michelle,

Thanks for the direction. And by the way, what city is the 1150 Northpoint facility in? I want to mapquest the address and I need a city to do so.

We will be flying in on Monday morning so why don't you count on us arriving at noon on Monday if that's okay. Christopher Sandman, Chris Fern and I will be there at that time.

Thanks for your assistance!

Regards,  
Chris

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**ABBT 0000265**

**From:** michelle.campbell@abbott.com [mailto:michelle.campbell@abbott.com]  
**Sent:** Friday, July 16, 2004 2:24 PM  
**To:** Chris Martinez  
**Subject:** Hancock audit

Per our conversation of this afternoon, the next collection of boxes will be reviewed at a different Abbott facility. The address is 1150 Northpoint Boulevard (Building J28).

The general directions are as follows:

On route 43 the Northpoint Business Center sign will be directly ahead on your right. Lakehurst Shopping Center is to your left. Turn right at Northpoint Boulevard off of Route 43. J28 is across from Federal Express. There is a sign identifying our building as 1150 Northpoint Boulevard and J28. Turn right into the parking lot at that sign. Once in the reception area, call extension 7-7705 and ask for me.

Please leave me a voice mail, before 4:30 Central time, as to whether you plan to begin again on Monday morning, July 19, 2004. Please include the names of those who will be present and the planned start time. The materials will be available anytime between 8am - 5pm.

If I do not hear from you, I will assume that you will not be starting again on Monday.

Kind Regards,

Michelle

Michelle L. Campbell  
Litigation Paralegal  
Abbott Laboratories  
Dept. 324 Bldg. AP6D  
100 Abbott Park Road  
Abbott Park, Illinois 60064  
Phone: 847-937-1518  
Fax: 847-938-6235

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**ABBT 0000266**

# **Martinez Deposition Exhibit 5**

**D's Exhibit HN**



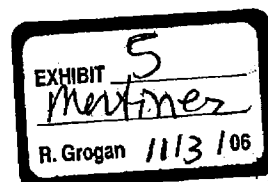
Michelle L. Campbell

08/31/2004 05:12 PM

To: "Chris Martinez" <cmartinez@stoneturn.com>  
cc: "Neil Zoltowski" <nzoltowski@stoneturn.com>  
Subject: RE: FW: FW: John Hancock Audit

1040 or 1060 High street in Mundelein, Illinois  
847-949-3917 is the number for the warehouse personnel, in case you have trouble with directions, etc.

Michelle L. Campbell  
Litigation Paralegal  
Abbott Laboratories  
Dept. 324 Bldg. AP6D  
100 Abbott Park Road  
Abbott Park, Illinois 60064  
Phone: 847-937-1518  
Fax: 847-938-6235



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"Chris Martinez" <cmartinez@stoneturn.com>



"Chris Martinez"  
<cmartinez@stonetur  
n.com>

08/31/2004 05:09 PM

To: <michelle.campbell@abbott.com>  
cc: "Neil Zoltowski" <nzoltowski@stoneturn.com>  
Subject: RE: FW: FW: John Hancock Audit

Michelle,  
Okay, we have worked out our schedules and my colleague Neil Zoltowski will be able to visit the Mundelein warehouse on Friday morning beginning at 9am. Can you please remind me of the address of that facility so Neil can generate directions?

Thanks again for your assistance with this matter.

Regards,  
Chris

From: michelle.campbell@abbott.com [mailto:michelle.campbell@abbott.com]  
Sent: Tuesday, August 31, 2004 4:00 PM  
To: Chris Martinez  
Subject: Re: FW: FW: John Hancock Audit

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**ABBT 0000257**

Hi Chris -

Tomorrow I am working from home, so I can attend an appointment and my physical therapy. So that will not work. Thursday would be OK (with some juggling), Friday would be preferable. The materials are at Mundelein, and the warehouse can be open from 9-5, but I imagine that you would get through the boxes quickly. I am not sure about the July 28th correspondence, I will have to get a copy of the letter.

The week after I am currently open Tuesday, Thursday & Friday. Since I anticipate it will only take 1 day, let me know your preference so I can block it off right away.

Thanks

Michelle L. Campbell  
Litigation Paralegal  
Abbott Laboratories  
Dept. 324 Bldg. AP6D  
100 Abbott Park Road  
Abbott Park, Illinois 60064  
Phone: 847-937-1518  
Fax: 847-938-6235

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"Chris Martinez" <cmartinez@stoneturn.com>

08/31/2004 03:49 PM

To: <michelle.campbell@abbott.com>

cc:

Subject: FW: FW: John Hancock Audit

Michelle,  
Per my request yesterday, is it possible to have someone come out to Abbott tomorrow for the review of documents? Also, please see my questions below and answers to those queries would be much appreciated.

Thanks,  
Chris  
(512)422-2626

**CONFIDENTIAL**

**ABBT 0000258**

**From:** Chris Martinez  
**Sent:** Monday, August 30, 2004 12:29 PM  
**To:** 'michelle.campbell@abbott.com'  
**Subject:** RE: FW: John Hancock Audit

Michelle,  
Thanks for the below information. Can you tell me what is contained in the 6 boxes currently available for review? Also, can you tell me when those categories of documents as prioritized by in the July 28<sup>th</sup> correspondence from Choate, Hall & Stewart (representing John Hancock) to Winston & Strawn (representing Abbott) will be made available?

Also, a StoneTurn representative (either myself or a colleague) would like to visit Abbott this week to review the available documents. Can you please let me know what days later in the week are good for such a review? Also, at which facility are the documents housed?

Thanks again for your assistance.

Regards,  
Chris

---

**From:** michelle.campbell@abbott.com [mailto:michelle.campbell@abbott.com]  
**Sent:** Thursday, August 26, 2004 3:07 PM  
**To:** Chris Martinez  
**Subject:** Re: FW: John Hancock Audit

Sorry - I hit send before I finished, but all I was going to add was let me know if you want to review the boxes, and I will send you a status next week.

Thanks

Michelle L. Campbell  
Litigation Paralegal  
Abbott Laboratories  
Dept. 324 Bldg. AP6D  
100 Abbott Park Road  
Abbott Park, Illinois 60064  
Phone: 847-937-1518  
Fax: 847-938-6235

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**ABBT 0000259**

----- Forwarded by Michelle L Campbell/LAKE/CORP/ABBOTT on 08/26/2004 03:08 PM -----

Michelle L Campbell

To: "Chris Martinez" <cmartinez@stoneturn.com>

08/26/2004 03:05 PM

cc:

Subject: Re: FW: John Hancock Audit [Link](#)

Hi Chris -

Sorry for the delay in responding, I am at 6 boxes now. I may have 1-2 more by mid next week.

Michelle L. Campbell  
Litigation Paralegal  
Abbott Laboratories  
Dept. 324 Bldg. AP6D  
100 Abbott Park Road  
Abbott Park, Illinois 60064  
Phone: 847-937-1518  
Fax: 847-938-6235

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**ABBT 0000260**

# **Martinez Deposition Exhibit 6**

**D's Exhibit HO**



Michelle L. Campbell

10/26/2004 02:07 PM

To: "Chris Martinez" <cmartinez@stoneturn.com>

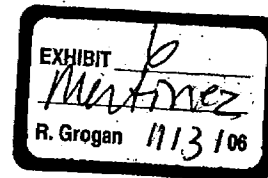
cc:

Subject: RE: FW: Status on documents available for review

That works for me, we can use the Mundelein warehouse (the first location off of High Street.) Please let me know who will be there and what time they plan to start on Monday.

Thanks

Michelle L. Campbell  
Litigation Paralegal  
Abbott Laboratories  
Dept. 324 Bldg. AP6D  
100 Abbott Park Road  
Abbott Park, Illinois 60064  
Phone: 847-937-1518  
Fax: 847-938-6235



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"Chris Martinez" <cmartinez@stoneturn.com>



"Chris Martinez"  
<cmartinez@stoneturn.com>

10/26/2004 02:06 PM

To: <michelle.campbell@abbott.com>

cc:

Subject: RE: FW: Status on documents available for review

Michelle,

How does Monday Nov. 1<sup>st</sup> look for you as a date to continue our review of the documents? Let me know and thanks!

Chris

From: michelle.campbell@abbott.com [mailto:michelle.campbell@abbott.com]  
Sent: Wednesday, October 20, 2004 3:24 PM  
To: Chris Martinez  
Subject: RE: FW: Status on documents available for review

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ABBT 0000250

Thursday is ok, but I am won't be in on Friday, I would re-arrange, but I am having oral surgery, so I really can't change that. We could do just Thursday, or go into Nov 1 (Monday of the week after.) So far, that week is open for me.

Michelle L. Campbell  
Litigation Paralegal  
Abbott Laboratories  
Dept. 324 Bldg. AP6D  
100 Abbott Park Road  
Abbott Park, Illinois 60064  
Phone: 847-937-1518  
Fax: 847-938-6235

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---

"Chris Martinez" <cmartinez@stoneturn.com>

10/20/2004 02:50 PM

To: <michelle.campbell@abbott.com>

cc:

Subject: RE: FW: Status on documents available for review

Michelle,  
Thanks for the feedback. I don't think it will work out on our end for Wednesday. Maybe Thursday/Friday?

Thanks,  
Chris

---

**From:** michelle.campbell@abbott.com [mailto:michelle.campbell@abbott.com]  
**Sent:** Wednesday, October 20, 2004 2:46 PM  
**To:** Chris Martinez  
**Subject:** RE: FW: Status on documents available for review

Mid is best, like wed, I'll see if I can get 1 or 2 more together. Can't be Mon or Friday.

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**ABBT 0000251**

Thanks

Michelle L. Campbell  
Litigation Paralegal  
Abbott Laboratories  
Dept. 324 Bldg. AP6D  
100 Abbott Park Road  
Abbott Park, Illinois 60064  
Phone: 847-937-1518  
Fax: 847-938-6235

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----- Forwarded by Michelle L. Campbell/LAKE/CORP/ABBOTT on 10/20/2004 02:45 PM -----

"Chris Martinez" <cmartinez@stoneturn.com>

To: <michelle.campbell@abbott.com>

10/20/2004 02:18 PM

cc:

Subject: RE: FW: Status on documents available for review

Michelle,  
Thanks for the update! I'll see about scheduling to come out and look at the docs. Would early next week work for you?

Thanks,  
Chris

---

**From:** michelle.campbell@abbott.com [mailto:michelle.campbell@abbott.com]  
**Sent:** Wednesday, October 20, 2004 1:00 PM  
**To:** Chris Martinez  
**Subject:** Re: FW: Status on documents available for review

Hi Chris -

There are 3 boxes completed, and another will be ready by Friday. These are similar to the last group of

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**ABBT 0000252**

materials. There are about 4 more boxes in process, but I don't have an eta on those.

Thanks

Michelle L. Campbell  
Litigation Paralegal  
Abbott Laboratories  
Dept. 324 Bldg. AP6D  
100 Abbott Park Road  
Abbott Park, Illinois 60064  
Phone: 847-937-1518  
Fax: 847-938-6235

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**ABBT 0000253**

# **Martinez Deposition Exhibit 8**

## **D's Exhibit LB**



"Chris Martinez"  
<cmartinez@stonetun.com>

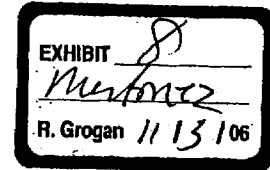
To: "Michelle L Campbell" <michelle.campbell@abbott.com>  
Subject: RE: Audit - Thursday

01/18/2005 01:35 PM

Michelle,  
Thanks for the confirmation. I'll be coming alone for this one.

See you, or your substitute there on Thursday at 8:30am.

Regards,  
Chris



---

**From:** Michelle L Campbell [mailto:michelle.campbell@abbott.com]  
**Sent:** Tuesday, January 18, 2005 1:30 PM  
**To:** Chris Martinez  
**Subject:** Audit - Thursday

Hi Chris -

We can proceed on Thursday at 8:30, at the Mundelein warehouse. Can you please let me know who will be coming from your company?

Thanks

Michelle L. Campbell  
Litigation Paralegal  
Abbott Laboratories  
Dept. 324 Bldg. AP6D  
100 Abbott Park Road  
Abbott Park, Illinois 60064  
Phone: 847-937-1518  
Fax: 847-938-6235

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**ABBT 0000235**

# **Martinez Deposition Exhibit 10**

## **D's Exhibit HQ Part I**

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**JHII 021526**

Copy Requested      Copy Received

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**CONFIDENTIAL**  
**JHII 021527**

Copy Requested	Copy Received	Date Indexed	Reviewer	Location	Pallet	Box #	Box ID	Compound	File Name	Document Type	Date Range
					Pallet 1	MC-187	ABT-627	A-147627 M96-500 - RADV99/358 Volume 35 of 44	RAD		2002
					Pallet 1	MC-187	ABT-627	A-147627 M96-500 - RADV99/358 Volume 36 of 44	RAD		2002
					Pallet 1	MC-187	ABT-627	A-147627 M96-211 - InvestorGate Package Vals (13867)	InvestorGate Package		2002
					Pallet 1	MC-187	ABT-627	A-147627 M96-211 - InvestorGate Package Hanger (13873)	InvestorGate Package		2002
					Pallet 1	MC-187	ABT-627	A-147627 M96-211 - InvestorGate Package Portsmouth (12954)	InvestorGate Package		2003
					Pallet 1	MC-187	ABT-627	A-147627 M96-258 - InvestorGate Package Murdock (11135)	InvestorGate Package		2002
					Pallet 1	MC-187	ABT-627	A-147627 M96-211 - InvestorGate Package Sand (17641)	InvestorGate Package		2002
					Pallet 1	MC-187	ABT-627	A-147627 M96-211 - InvestorGate Package Martin (13867)	InvestorGate Package		2003
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					Pallet 1	MC-187	ABT-627	A-147627 M96-244 - InvestorGate Package Srinivas (17522)	InvestorGate Package		2002
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					Pallet 1	MC-187	ABT-627	A-147627 M96-258 - InvestorGate Package GIB (13132)	InvestorGate Package		2003
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					Pallet 1	MC-187	ABT-627	A-147627 M96-258 - InvestorGate Package Toland (18352)	InvestorGate Package		2001
					Pallet 1	MC-188	ABT-627	A-147627 M96-304 - InvestorGate Package Minton (14205)	InvestorGate Package		2002
					Pallet 1	MC-188	ABT-627	A-147627 M96-211 - InvestorGate Package Gendron (13823)	InvestorGate Package		2001
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					Pallet 1	MC-188	ABT-627	A-147627 M96-211 - InvestorGate Package Anshole (17704)	InvestorGate Package		2003
					Pallet 1	MC-188	ABT-627	A-147627 M96-244 - InvestorGate Package Marsh (14648)	InvestorGate Package		2002
					Pallet 1	MC-188	ABT-627	A-147627 M96-211 - InvestorGate Package Gendron (17743)	InvestorGate Package		2001
					Pallet 1	MC-188	ABT-627	A-147627 M96-258 - InvestorGate Package Milard (17994)	InvestorGate Package		2002
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					Pallet 1	MC-188	ABT-627	A-147627 M96-244 - InvestorGate Package Low (15630)	InvestorGate Package		2002
					Pallet 1	MC-188	ABT-627	A-147627 M96-244 - InvestorGate Package Martin Garcia (17948)	InvestorGate Package		2001
					Pallet 1	MC-188	ABT-627	A-147627 M96-258 - InvestorGate Package Miner (18403)	InvestorGate Package		2002
					Pallet 1	MC-188	ABT-627	A-147627 M96-244 - InvestorGate Package Rocco (13182)	InvestorGate Package		2003
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					Pallet 1	MC-188	ABT-627	A-147627 M96-258 - InvestorGate Package Nelson (14597)	InvestorGate Package		2002
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					Pallet 1	MC-188	ABT-627	A-147627 M96-244 - InvestorGate Package Forest (14211)	InvestorGate Package		2003
					Pallet 1	MC-18					

## John Hancock - Document Index

Copy Requested	Copy Received	Date Indexed	Reviewer	Location	Pallet	Box #	Box ID	Compound	File Name	Document Type	Date Range
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					Pallet 2	MC-138	ABT-427	A-147627 M00-244 - Investigator Package	Ells (17960)	Investigator Package	2001
					Pallet 2	MC-138	ABT-427	A-147627 M00-211 - Investigator Package	Wheless (13566)	Investigator Package	2001
					Pallet 2	MC-138	ABT-427	A-147627 M00-211 - Investigator Package	McMurry (18586)	Investigator Package	2002
					Pallet 2	MC-138	ABT-427	A-147627 M00-244 - Investigator Package	Steele (18140)	Investigator Package	2001
					Pallet 2	MC-138	ABT-427	A-147627 M00-211 - Investigator Package	Deamney (14304)	Investigator Package	2002
					Pallet 2	MC-138	ABT-427	A-147627 M00-211 - Investigator Package	Tangney (17645)	Investigator Package	2002
					Pallet 2	MC-138	ABT-427	A-147627 M00-258 - Investigator Package	Freeman (18024)	Investigator Package	2002
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					Pallet 2	MC-138	ABT-427	A-147627 M00-258 - Investigator Package	Bellows (16314)	Investigator Package	2001
					Pallet 2	MC-138	ABT-427	A-147627 M00-244 - Investigator Package	Hagman (17150)	Investigator Package	2001
					Pallet 2	MC-138	ABT-427	A-147627 M00-244 - Investigator Package	Lipton (1807)	Investigator Package	2002
					Pallet 2	MC-138	ABT-427	A-147627 M00-211 - Investigator Package	Abraham (17888)	Investigator Package	2002
					Pallet 2	MC-138	ABT-427	A-147627 M00-258 - Investigator Package	Seamans (17202)	Investigator Package	2002
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					Pallet 2	MC-138	ABT-427	A-147627 M00-244 - Investigator Package	Middleton (18118)	Investigator Package	2004
					Pallet 2	MC-138	ABT-427	A-147627 M00-258 - Investigator Package	Braden (14278)	Investigator Package	2001
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					Pallet 2	MC-138	ABT-427	A-147627 M00-211 - Investigator Package	Bloomfield (14245)	Investigator Package	2004
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					Pallet 2	MC-138	ABT-427	A-147627 M00-244 - Investigator Package	Shah (13213)	Investigator Package	2001
					Pallet 2	MC-140	ABT-427	A-147627 M00-258 - Investigator Package	Jays (18686)	Investigator Package	2001
					Pallet 2	MC-140	ABT-427	A-147627 M00-244 - Investigator Package	Stadward (14262)	Investigator Package	2001
					Pallet 2	MC-140	ABT-427	A-147627 M00-211 - Investigator Package	Steele (18140)	Investigator Package	2002
					Pallet 2	MC-140	ABT-427	A-147627 M00-258 - Investigator Package	Cleche (14240)	Investigator Package	2001
					Pallet 2	MC-140	ABT-427	A-147627 M00-244 - Investigator Package	Farrat (14331)	Investigator Package	2002
					Pallet 2	MC-140	ABT-427	A-147627 M00-258 - Investigator Package	Steinhoff (13385)	Investigator Package	2002
					Pallet 2	MC-140	ABT-427	A-147627 M00-244 - Investigator Package	Krasnick (7805)	Investigator Package	2002
					Pallet 2	MC-140	ABT-427	A-147627 M00-211 - Investigator Package	Rowland (14303)	Investigator Package	2002
					Pallet 2	MC-140	ABT-427	A-147627 M00-244 - Investigator Package	Lohel (13220)	Investigator Package	2001
					Pallet 2	MC-140	ABT-427	A-147627 M00-258 - Investigator Package	Janet (17831)	Investigator Package	2001
					Pallet 2	MC-140	ABT-427	A-147627 M00-211 - Investigator Package	North (18384)	Investigator Package	2001
					Pallet 2	MC-140	ABT-427	A-147627 M00-211 - Investigator Package	Balmer (18109)	Investigator Package	2002
					Pallet 2	MC-140	ABT-427	A-147627 M00-258 - Investigator Package	Carballe (724)	Investigator Package	2001
					Pallet 2	MC-140	ABT-427	A-147627 M00-211 - Investigator Package	Sharkov (18818)	Investigator Package	2001
					Pallet 2	MC-140	ABT-427	A-147627 M00-258 - Investigator Package	Jaraman (17948)	Investigator Package	2001
					Pallet 2	MC-140	ABT-427	A-147627 M00-211 - Investigator Package	Hernandez (13219)	Investigator Package	2002
					Pallet 2	MC-140	ABT-427	A-147627 M00-258 - Investigator Package	Sharkov (18818)	Investigator Package	2001
					Pallet 2	MC-141	ABT-427	A-147627 M00-211 - Investigator Package	Kaplan (17801)	Investigator Package	2002
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					Pallet 2	MC-141	ABT-427	A-147627 M00-211 - Investigator Package	Shah (13213)	Investigator Package	2001
					Pallet 2	MC-141	ABT-427	A-147627 M00-244 - Investigator Package	Kurb (13218)	Investigator Package	2001
					Pallet 2	MC-141	ABT-427	A-147627 M00-258 - Investigator Package	Berwick (18381)	Investigator Package	2002
					Pallet 2	MC-141	ABT-427	A-147627 M00-244 - Investigator Package	Krahn (18237)	Investigator Package	2002
					Pallet 2	MC-141	ABT-427	A-147627 M00-258 - Investigator Package	Golberg (17788)	Investigator Package	2002
					Pallet 2	MC-141	ABT-427	A-147627 M00-258 - Investigator Package	Whitcomb (14514)	Investigator Package	2001
					Pallet 2	MC-141	ABT-427	A-147627 M00-211 - Investigator Package	Deamney (14304)	Investigator Package	2002
					Pallet 2	MC-141	ABT-427	A-147627 M00-244 - Investigator Package	Costello (13182)	Investigator Package	2001
					Pallet 2	MC-141	ABT-427	A-147627 M00-244 - Investigator Package	Meyer (14453)	Investigator Package	2004
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					Pallet 11	55283 B	ABT-584	IND Filing with FDA	IND Filing		

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					Pallet 17	MC-249	ABT-427	Study M97-707 Vol. 1-3 of 3		Study	
					Pallet 17	MC-250	ABT-427	Study M96-488 Vol. 1-9 of 9		Study	
					Pallet 17	MC-251	ABT-427	M97-724 Vol. 1-2 of 2, Medical Review Documentation (technical issue of patients in small form)		Medical Review Document	
					Pallet 17	MC-251	ABT-427	M96-500 Medical Review Documentation (technical issue of patients in small form)		Medical Review Document	
					Pallet 17	MC-252	ABT-427	Study M97-444 Vol. 1-6 of 6		Study	
					Pallet 17	MC-253	ABT-427	Study M97-444 Vol. 1-6 of 6		Study	
					Pallet 17	MC-253	ABT-427	Study M97-444 Vol. 1-6 of 6		Study	
					Pallet 17	MC-254	ABT-427	Study M97-444 Query Sheets		Study	
					Pallet 17	MC-254	ABT-427	A-147627 Study M97-444 SAE Collection Forms Vol. 1 of 1		Study	
					Pallet 17	MC-254	ABT-427	A-147627 Study M96-489 SAE Collection Forms Vol. 1 of 1		Study	
					Pallet 17	MC-254	ABT-427	A-147627 Study M96-249 Report		Study	
					Pallet 17	MC-254	ABT-427	A-147627 Study M96-249 Vol. 1-2 of 2		Study	
					Pallet 17	MC-254	ABT-427	A-147627 Study M97-788 Vol. 4-6 of 6		Study	
					Pallet 17	MC-255	ABT-427	Study M96-531 Vol. 1-6 of 6		Study	
					Pallet 17	MC-255	ABT-427	A-147627 Study M97-788 Vol. 1-3 of 6		Study	
					Pallet 17	MC-256	ABT-427	Study M96-489 Vol. 1-4 of 4		Study	
11/2/04	1/5/05	11/2/04	SI	1060 N. High St.	Pallet 17	Box 1 of 5	ABT-427, 482, 773, 427, 781	ABT-427, 482, 773	Investigational New Drug: ABT-427 Abiraterone HCl FDA Correspondence July 14, 2004 (original)	FDA Correspondence	
11/2/04	1/5/05	11/2/04	SI	1060 N. High St.	Pallet 17	Box 2 of 5	ABT-427, 482, 773	ABT-427, 482, 773	Investigational New Drug: ABT-427 Abiraterone HCl FDA Correspondence July 14, 2004 (original)	FDA Correspondence	
11/2/04	1/5/05	11/2/04	SI	1060 N. High St.	Pallet 17	Box 3 of 5	ABT-427, 482, 773	ABT-427, 482, 773	Investigational New Drug: ABT-427 Abiraterone HCl FDA Correspondence July 14, 2004 (original)	FDA Correspondence	
11/2/04	1/5/05	11/2/04	SI	1060 N. High St.	Pallet 17	Box 4 of 5	ABT-724	ABT-724	Investigational New Drug: ABT-724 Anti-Angiogenesis FDA Correspondence June 20, 2002 (original)	FDA Correspondence	
	3/8/05		JD	1060 N. High St.	Pallet 17	Box 5 of 5	ABT-510	ABT-510	Investigational New Drug: ABT-510 Anti-Angiogenesis FDA Correspondence 2001 (original)	FDA Correspondence	2001
	3/8/05		JD	1060 N. High St.	Pallet 17	Box 5 of 5	ABT-427	ABT-427	Investigational New Drug: ABT-427 Abiraterone HCl FDA Correspondence June 20, 2002 (original)	FDA Correspondence	
	3/8/05		JD	1060 N. High St.	Pallet 17	Box 5 of 5	ABT-427	ABT-427	Investigational New Drug: ABT-427 Abiraterone HCl FDA Correspondence July 14, 2004 (original)	FDA Correspondence	
	3/8/05		JD	1060 N. High St.	Pallet 17	Box 5 of 5	ABT-427	ABT-427	Investigational New Drug: ABT-427 Abiraterone HCl FDA Correspondence July 14, 2004 (original)	FDA Correspondence	
	3/8/05		JD	1060 N. High St.	Pallet 17	Box 5 of 5	ABT-427	ABT-427	Investigational New Drug: ABT-427 Abiraterone HCl FDA Correspondence June 16, 2004 (original)	FDA Correspondence	
	3/8/05		JD	1060 N. High St.	Pallet 17	Box 5 of 5	ABT-427	ABT-427	Investigational New Drug: ABT-427 Abiraterone HCl FDA Correspondence June 15, 2004 (original)	FDA Correspondence	
	3/8/05		JD	1060 N. High St.	Pallet 17	Box 5 of 5	ABT-427	ABT-427	Investigational New Drug: ABT-427 Abiraterone HCl FDA Correspondence June 16, 2004. Follow-up Report (original)	FDA Correspondence	
	3/8/05		JD	1060 N. High St.	Pallet 17	Box 5 of 5	ABT-510	ABT-510	Investigational New Drug: ABT-510 Anti-Angiogenesis FDA Correspondence June 8, 2004 (original)	FDA Correspondence	
	3/8/05		JD	1060 N. High St.	Pallet 17	Box 5 of 5	ABT-427	ABT-427	Investigational New Drug: ABT-427 Abiraterone HCl FDA Correspondence June 8, 2004 (original)	FDA Correspondence	
	3/8/05		JD	1060 N. High St.	Pallet 17	Box 5 of 5	ABT-510	ABT-510	Investigational New Drug: ABT-510 Anti-Angiogenesis FDA Correspondence July 14, 2004 (original)	FDA Correspondence	
	3/8/05		JD	1060 N. High St.	Pallet 17	Box 5 of 5	ABT-510	ABT-510	Investigational New Drug: ABT-510 Anti-Angiogenesis FDA Correspondence July 1, 2004 (original)	FDA Correspondence	
	3/8/05		JD	1060 N. High St.	Pallet 17	Box 5 of 5	ABT-510	ABT-510	Investigational New Drug: ABT-510 Anti-Angiogenesis FDA Correspondence June 18, 2004 (original)	FDA Correspondence	
	3/8/05		JD	1060 N. High St.	Pallet 17	Box 5 of 5			Copies of all above of originals set above in this box		

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# **Martinez Deposition Exhibit 10**

## **D's Exhibit HQ Part III**

## John Hancock - Document Index

Copy Requested	Copy Received	Date Indexed	Reviewer	Location	Pallet	Box #	Box ID	Compound	File Name	Document Type	Date Range
		11/2/04	NZ		Pallet 17	40	17-3		A-165594 M98-507 R&D/99/102 Drug Metabolism Report No. 31	Drug Metabolism Report	
		11/2/04	NZ		Pallet 17	40	17-3	ABT-594	A-165594 47 R&D/99/152 Validation of Analytical Methodology for ABT-594, 35mg Capsules		
		11/2/04	NZ		Pallet 17	40	17-3		A-165594 R&D/99/202 Drug Metabolism Report No. 31		
		11/2/04	NZ		Pallet 17	40	17-3		A-165594 47 R&D/99/209 Specifications for ABT-594, 75mg Capsules		
		11/2/04	NZ		Pallet 17	40	17-3		A-165594 47 R&D/99/209 Validation of Analytical Methodology for ABT-594, 75mg Capsules		
		11/2/04	NZ		Pallet 17	40	17-3	ABT-594	A-165594 M98-504 R&D/99/207 Drug Metabolism Report No. 33		
		11/2/04	NZ		Pallet 17	40	17-3	ABT-594	A-165594 M98-508 R&D/99/216 Drug Metabolism Report No. 34		
		11/2/04	NZ		Pallet 17	40	17-3	ABT-594	A-165594 R&D/99/227 Protocol V98-232		
		11/2/04	NZ		Pallet 17	40	17-3	ABT-594	Clinical Study Report No. R&D/99/434, Protocol M98-043		
		11/2/04	NZ		Pallet 17	40	17-3	ABT-594	A-165594 Protocol M98-043 R&D/99/445 Drug Metabolism Report No. 35		
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		11/2/04	NZ		Pallet 17	40	17-3		A-165594 Protocol T&B-181 R&D/98/462		
		11/2/04	NZ		Pallet 17	40	17-3		A-165594 Raw Data Study No. T&B-182 (one page)	Raw Data Study	
		11/2/04	NZ		Pallet 17	40	17-3		A-165594 Raw Data Study No. T&B-256 (one page)	Raw Data Study	
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		11/2/04	NZ		Pallet 17	40	17-3		A-165594 Study No. T&B-438 Protocol Amendment		
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		11/2/04	NZ		Pallet 17	40	17-3		A-165594 Study No. T&B-132 Protocol Amendment (several documents)		
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		11/2/04	NZ		Pallet 17	40	17-3		A-165594 Study No. T&B-038		
		11/2/04	NZ		Pallet 17	40	17-3		A-165594 Study No. T&B-171		
		11/2/04	NZ		Pallet 17	40	17-3		A-165594 Study No. T&B-131 Protocol Amendment (several documents)		
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		11/2/04	NZ		Pallet 17	40	17-4		Administrative Check Request 2001-2004 (assumed to be for ABT-773 - potentially reconcile to JH Payments Rpt)		
		11/2/04	NZ		Pallet 17	17-4	ABT-773	ABT-773 Base Program: John Hancock Payments Report Payments 2001 - YTD 2004 (405 pages: Total Payment \$151,733,025.27)			2001 - 2004
		11/2/04	NZ		Pallet 17	17-4	ALL	Payments_Detail_Summary Workbook (Excel Worksheet: Total 846 pages - No ABT-100 Payments) Range 1: 1-158			
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		11/2/04	NZ		Pallet 17	17-6		Clinical Research Standard Operating Procedures Documents (entire redwell - small box)			
		11/2/04	NZ		Pallet 17	17-7		Clinical Research Standard Operating Procedures Documents (entire redwell - small box)			
		11/2/04	NZ		Pallet 17	17-7		Clinical Research Policies (entire redwell - small box)			
		11/2/04	NZ		Pallet 17	17-7		Clinical Research Guidelines (entire redwell - small box)			
		11/2/04	NZ	1159 Northeast	Pallet 1	MC-262	8887	ABT-527	A-147827 M98-594 - Case Report Forms Vol 183-199 of 172	Case Report Forms	
		11/2/04	NZ	1159 Northeast	Pallet 1	MC-267	8911 (3 of 7)	ABT-527	A-147827 M98-511 Laboratory Report (Convoles) Volumes 18 - 20 of 43	Laboratory Report	
		11/2/04	NZ	1159 Northeast	Pallet 1	MC-272	8912	ABT-527	A-147827 M98-511 - Lab Reports Vol 21-24 of 43	Lab Reports	
		11/2/04	NZ	1159 Northeast	Pallet 1	MC-273	8934	ABT-527	A-147827 M98-544 Laboratory Report (Convoles) Vol 30-33 of 48	Laboratory Report	
		11/2/04	NZ	1159 Northeast	Pallet 1	MC-274	Box 2 of 8, 8926	ABT-527	A-147827 M98-544 Laboratory Report (Convoles) Vol 3-7 of 48	Laboratory Report	
		11/2/04	NZ	1159 Northeast	Pallet 1	MC-275	Box 3 of 8, 8929	ABT-527	A-147827 M98-544 Laboratory Report (Convoles) Vol 8-11 of 48	Laboratory Report	
		11/2/04	NZ	1159 Northeast	Pallet 1	MC-280	8935	ABT-527	A-147827 M98-544 Laboratory Report (Convoles) Vol 34-37 of 48	Laboratory Report	
		11/2/04	NZ	1159 Northeast	Pallet 1	MC-281	8936	ABT-527	A-147827 M98-544 - Lab Reports Vol 42-43 of 48	Lab Reports	
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		11/2/04	NZ	1159 Northeast	Pallet 1	MC-288	8929	ABT-527	A-147827 M98-544 - Case Report Forms Vol 1-4 of 7	Case Report Forms	
		11/2/04	NZ	1159 Northeast	Pallet 1	MC-290	8887	ABT-527	A-147827 M98-594 - Case Report Forms Vol 83-85 of 173	Case Report Forms	
		11/2/04	NZ	1159 Northeast	Pallet 1	MC-291	8889	ABT-527	A-147827 M98-594 - Case Report Forms Vol 107-173 of 173	Case Report Forms	
		11/2/04	NZ	1159 Northeast	Pallet 1	MC-292	8890	ABT-527	A-147827 M98-594 - Case Report Forms Vol 138-165 of 173	Case Report Forms	
		11/2/04	NZ	1159 Northeast	Pallet 1	MC-293	8888	ABT-527	A-147827 M98-594 - Case Report Forms Vol 89-93 of 173	Case Report Forms	
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## **D's Exhibit HQ Part IV**

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Copy Requested	Copy Received	Date Indexed	Reviewer	Location	Pallet	Box #	Box ID	Compound	File Name	Document Type	Date Range
1/31/05	x	1/31/05	MH	1060 N. High St.	Pallet 18	1 (1/31/05)		ABT-427	Delivering the Path to Atazanavir Approval, Oncology Steering Committee, April 13, 2004		2004
1/31/05	x	1/31/05	MH	1060 N. High St.	Pallet 18	1 (1/31/05)		ABT-781	ABT-781 Project Update, Oncology Steering Committee, Dec 2, 2003		2003
1/31/05	x	1/31/05	MH	1060 N. High St.	Pallet 18	1 (1/31/05)			Oncology Steering Committee, Mar 3, 2004, Clinical Trial Execution Improvement Plan	OSC	2004
1/31/05	x	1/31/05	MH	1060 N. High St.	Pallet 18	1 (1/31/05)			Oncology Steering Committee 12/20/03, Phase 2 Enrollment Analysis		2003
1/31/05	x	1/31/05	MH	1060 N. High St.	Pallet 18	1 (1/31/05)		ABT-410	ABT-410 Commercial Overview		2003
1/31/05	x	1/31/05	MH	1060 N. High St.	Pallet 18	1 (1/31/05)		ABT-410	ABT-410 Phase 3 Sarcoma Study collaboration with EORTC		2003, 2004
1/31/05	x	1/31/05	MH	1060 N. High St.	Pallet 18	1 (1/31/05)		ABT-427	Atazanavir - Program updates (Oct 2003, Nov 2003, Dec 2003, Feb 2004)		2003
1/31/05	x	1/31/05	MH	1060 N. High St.	Pallet 18	1 (1/31/05)		ABT-427	Atazanavir FDA update, Jan 16, 2003		2003
1/31/05	x	1/31/05	MH	1060 N. High St.	Pallet 18	1 (1/31/05)		ABT-427	Basic of America Securities - Equity research Atazanavir - New analysis shows the drug works (June 7, 2004)	Analyst Reports	2004
1/31/05	x	1/31/05	MH	1060 N. High St.	Pallet 18	1 (1/31/05)		ABT-427	Atazanavir (ABT-427) FDA pre-meeting briefing document (Feb XX, 2004)		2004
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	2 (2/1/05)			Administrative Check Requests & Invoices (various vendors/services providers)		2004
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)			"QPRD NCE Protected Phases and Phase Timelines set of April 2004"	QPRD	2004
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-427	"Atazanavir Program Update" (May 2004)		2004
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-427	Human Studies Early Research "ABC" Meeting Highlights Potential for Atazanavir (Jun 2004)	Analyst Reports	2004
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-427	"Atazanavir, Oncology Steering Committee Review" (Oct 13, 2003)	OSC	2003
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-427	"Atazanavir, Oncology Steering Committee Review" (Nov 7, 2003)	OSC	2003
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-427	"Atazanavir, Oncology Steering Committee Review" (Jan 21, 2004)	OSC	2004
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-427	"Delivering the Path to Atazanavir Approval, Oncology Steering Committee" (Apr 13, 2004)		2004
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-751	"ABT-751 Update, Oncology Steering Committee" (Apr 13, 2004)		2004
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-427	"Atazanavir (Atazanavir) Oncology Steering Committee" (Aug 24, 2004)		2004
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-410	"ABT-410 Update, Oncology Steering Committee" (Jun 15, 2004)		2004
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-427	"Atazanavir (Atazanavir) Program Update" (Aug 2004)		2004
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-427	RBC Capital Markets, Equity Research Comment (Jun 7, 2004)		2004
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-410	"ABT-410 in Sarcoma Phase 3 Planning, TEC Review" (May 21, 2004)		2004
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-751	"ABT-751 Project Update, TEC" (Aug 20, 2003)		2004
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-751	"ABT-751 SACC/PTC"		2004
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ALL	"Global Pharma Research & Development, Selected program budgets 2002 PLAN"		2002
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-773	"Atazanavir (ABT-773) 2002 Plan Development Goal summary - funded program"		2002
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-773	QPRD Meeting Materials April 2003		2003
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-773	Key Unfunded Projects, PPD R&D, 2000 Annual Update	R&D	2000
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-773	PPD R&D, 2000 AGU Conference Analysis	R&D	2000
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-773	QPRD Budget Comparisons, 2002 Plan	QPRD	2002
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-773	Technical research, articles on effectiveness of ABT-773 (June 2001)		2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-773	"Abbreviated Clinical Study Report" (Oct 2002) (4 copies/versions?)		2002
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-773	"Abbreviated Clinical Study Report" (Jan 2003) (multiple copies/versions?)		2003
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	"Chemical/Pharmaceutical" "Characterization of Compound" Feb 2003 - Aug 2003		2003
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	"ABT-482, Study Number M01-344"		2002
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	"Clinical Protocol ABT-482" (Sep 28, 2001) (2 copies/versions?)	Clinical Protocol	2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	"Clinical Protocol ABT-482" (Sep 19, 2001)	Clinical Protocol	2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	"Clinical Protocol ABT-482" (Aug 30, 2001)	Clinical Protocol	2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	"Convene Estimated Grant Budget with Vial Fees" (5 copies: Mar 1, May 13, Oct 17, Nov 8, Nov 27, 2001)	Clinical Protocol	2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	"CAP Protocol Synopsis, DRAFT 28 July 2001"		2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	"Clinical Study Protocol M01-330"		2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	"Clinical Protocol - Special addendum for South Africa" (May 1, 2002)	Clinical Protocol	2002
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	"Clinical Protocol, Amendment No. 2" (Dec 19, 2001) (2 copies/versions?)	Clinical Protocol	2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	"Clinical Protocol, Amendment No. 1" (Oct 28, 2001)	Clinical Protocol	2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	"Appendix A, Study Synopsis"		2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-773	"Clinical Protocol" (Feb 1999)	Clinical Protocol	1999
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	"Clinical Protocol" (Sep 4, 2001)	Clinical Protocol	2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	"Clinical Protocol" (Sep 8, 2001)	Clinical Protocol	2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	"Clinical Protocol" (Sep 28, 2001)	Clinical Protocol	2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	"Clinical Protocol" (Oct 8, 2001)	Clinical Protocol	2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-773	"Clinical protocol ABT-773, comparative study of the safety and efficacy of ABT-773 (Feb 1999)"	Clinical Protocol	1999
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	Protocol, Appendix A - Study Synopsis (Dec 2001)		2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	CAP protocol synopsis - DRAFT Jul 25, 2001		2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	Clinical study protocol, comparative study of the safety and efficacy of ABT-482 (Apr 19, 2001)	Clinical Protocol	2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	Clinical protocol, amendment No. 2, (Dec 19, 2001) (2 copies/versions?)	Clinical Protocol	2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	Clinical protocol, amendment No. 1 (Oct 28, 2001)	Clinical Protocol	2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	"Study of the Safety and Efficacy of ABT-482, Study period Jan-Dec 2002"	Clinical Protocol	2002
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	Convene (development services company) estimated grant budget for protocol testing (48 pages) (Mar 1, 2002)		2002
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	Convene (development services company) estimated grant budget for protocol testing (48 pages) (May 13, 2002)		2002
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	Convene (development services company) estimated grant budget for protocol testing (33 pages) (Nov 27, 2001)		2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	Convene (development services company) estimated grant budget for protocol testing (33 pages) (Nov 6, 2001)		2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	Convene (development services company) estimated grant budget for protocol testing (42 pages) (Oct 17, 2001)		2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	Clinical protocol, amendment No. 2, (Sep 28, 2001)		2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	Clinical protocol (Sep 19, 2001)	Clinical Protocol	2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	Clinical protocol (Sep 28, 2001)	Clinical Protocol	2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	Clinical protocol (Aug 30, 2001)	Clinical Protocol	2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-482	Comparative study for Indinavir (Jan 02)		2002
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-773	"Update of ABT-773 Analysis" (Nov 8, 2001)		2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-773	"ABT-773 Clinical Options (Jul 28, 2001)"		2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-773	"Progress of regulatory approval (EU)"		2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-773	"Update of ABT-773 Analysis: Core, even Maribon, confidential" (Nov 8, 2001)		2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-773	"ABT-773 Ph II Decision Protocol - US Regulatory Assessment" (Apr 25, 2001)		2001
2/1/05	x	2/1/05	MH	1060 N. High St.	Pallet 18	3 (2/1/05)		ABT-773	"ABT-773 Ph II Decision Protocol - EU Regulatory Assessment" (May 16, 2001)		2001

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Copy Requested	Copy Received	Date Indexed	Reviewer	Location	Pallet	Box #	Box ID	Compound	File Name	Document Type	Date Range
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-773	"ABT-773 Dosing Options" (Jul 25, 2001)		
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-773	"OSG Blides version 1" (Nov 10, 01) Discussion of key technical, commercial, regulatory assumptions		2001
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-773	Protected RAO (US & EU) 2001-2010		
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-773	"Update of ABT-773 Analysis: Core Team Meeting, confidential" (Nov 8, 2001)		2001
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-773	Several and various "Dose Strategy" documents		
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-773	OSG Blides version 4.3 & 4.4 (Nov 10, 2001)		2001
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-773	OSG Blides version 5 (Nov 10, 2001) "Value Implications of recent ABT-773 information"		2001
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-773	Summary of ABT-773 with meeting agenda (Nov 12, 2001)		2001
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-773	"Research and Development protection 1999-2012"		
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-773	Financial projections "ABT-773" formulation, 2000-2013; Rev. COGS, R&D, SG&A		2001
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-773	"Area specific Assumptions - Tablet forecast only"		
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"ABT-492 Analysis of Statistical Alternatives" (Mar 18, 2002)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"ABT-492 Analysis of Statistical Alternatives" (Jan 28, 2002)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"Probability assessment" (Mar 7, 2002)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	Various probability assessments (3/1/02, 3/2/02, 3/1/02, 3/1/02)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	Clinical protocol (Sep 4, 2001)	Clinical Protocol	
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	Probability assessments, efficacy & tolerability (Mar 20, 2002) (2 copies/versions?)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	14 additional "Probability Assessment" reports/summaries (Mar 2002)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"ABT-492 Strategy Analysis: Clinical Probability Assessment Review" (Mar 25, 2002)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"Preliminary analysis of potential indications for ABT-492" (Jun 18, 2002)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"ABT-492 Strategy Analysis: Clinical Probability Assessment Review" (Mar 25, 2002)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"Hospital SG&A assessment" (Mar 12, 2002)		2002
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		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"ABT-492 Regulatory Assessment" (Jul 22, 2002)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"ABT-492 Strategy Analysis: Cost and Time Assessments Review" (Feb 28, 2002)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"ABT-492 Strategy Analysis: Clinical Probability Assessment Review" (Mar 25, 2002)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	Various clinical protocol forms & research forms		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	Various references/summaries re: Abasentan (2003, 2004)		
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	Various contact information sheets Abasentan employees re: clinical protocols		
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	Various correspondence with doctors re: clinical studies (2001, 2002, 2003)	correspondence	
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	Various correspondence with doctors re: Abasentan (ABT-424) studies and study aids (2001-2004)	correspondence	
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	"Abasentan, Study No. M01-304" (Jul 6, 2001)		2001
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	"Case Report Form Completion Guidelines" (Jul 25, 2001)		2001
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	"Case Report - A long-term safety study with Abasentan" (Sep 17, 2001)		2001
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	"Abasentan, Study No. M01-304"		
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	"IND Safety Report"	IND	
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	"Oncotherapy Group Clinical Study Protocol, Amendment No. 1-22" (Aug 2001)		2001
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	"Clinical Study Protocol, Amendment Nos. 1 and 2" (May 28, 2002) (2 copies/versions?)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	Various clinical research forms		
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	"Informed Consent Site Tracking" forms		
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	Various "Substituted Information and Consent Form's"		
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	Various Protocol Monitoring Plans		
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	"Abasentan letter to HSA" (ABT-427) (Jul 30, 2001)		2001
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	"Clinical Study Protocol" (May 23, 2002)	Clinical Protocol	
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	"Clinical Study Protocol, A long term safety study with Abasentan" (Dec 7, 2004) (2 copies/versions?)	Clinical Protocol	
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	"Clinical Study Protocol, A long term safety study with Abasentan" (Aug 22, 2001)	Clinical Protocol	
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	"Clinical Study Protocol, An Extension Study to Evaluate the Safety and Tolerability of Abasentan" (Jun 14, 2001)	Clinical Protocol	
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	"Clinical Study Protocol" with Abasentan (Aug 22, 2001)	Clinical Protocol	
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	"Clinical Study Protocol" (May 22, 2001)	Clinical Protocol	
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	"Clinical Study Protocol" Abasentan (May 28, 2002) (2 copies/versions?)	Clinical Protocol	
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	Various "Clinical research forms"		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	"Clinical Study Protocol" Abasentan (May 28, 2002)	Clinical Protocol	
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	"Clinical Study Protocol" Amendment for France (Dec 7, 2004) (2 copies/versions?)	Clinical Protocol	
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	"Clinical Study Protocol" (Jun 14, 2001)	Clinical Protocol	
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-427	Various "Onus Re-Supply Request Forms"		
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	Various shipping forms & inventory reports (2004)		2004
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"Protect Well-off meeting" Media Copy (Jun 24, 2003)		2003
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"Community SG&A assessment" (Mar 8, 2002) (2 copies/versions?)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"Hospital SG&A assessment" (Mar 12, 2002) (copies)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"ABT-773 assessment for R7b, From 2001 analysis"		2001
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"ABT-773 Regulatory Assessment" (Apr 3, 2002) (Apr 4, 2002 - 2 copies/versions)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	Regulatory assessments (Jul 22, 2002)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"ABT-492 Strategy Analysis: Clinical Probability Assessment Review" (Mar 21, 2002)	Clinical Probability Assessment Review	
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"ABT-492 Strategy Analysis: Clinical Probability Assessment Review" (Mar 25, 2002)	Clinical Probability Assessment Review	
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"ABT-492 Strategy Analysis: Clinical Probability Assessment Review" (Feb 28, 2002)	Clinical Probability Assessment Review	
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	Various equivalent brand analyses		
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"ABT-492 Regulatory Assessment" (Jul 22, 2002)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"Community SG&A assessment" (Mar 8, 2002)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"Hospital SG&A assessment" (Mar 12, 2002)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	Strategy Analysis: Commercial Assessment Review - Part I, Meeting Notes (Apr 2, 2002)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	Commercial Assessment, Decision Support Group (DSG) (Apr 2, 2002)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	Preliminary analysis of potential indication for ABT-492 (Jun 18, 2002) market share analysis & sales projections		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"ABT-492 Briefing Document" terms & status of correspondence (Nov 28, 2004)		
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	Various unit cost analyses ABT-492		
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"Statistical analysis: SG&A Assessment Review" (Mar 21, 2002)		2002
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	Mass Market Research presentation		
		2/1/05	MH	1060 N. High St.	Pallet 18	4 (1/1/05)		ABT-492	"Strategy Analysis: Clinical Probability and commercial Assessment review" (Mar 25, 2002)		2002

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3/1/03	3/1/03	3/1/03	3/1/03	JD	1060 N. High St.	Pallet 19	3				Center for Pharmaceutical Assured & Outcomes Research, March 2003		
3/1/03	3/1/03	3/1/03	3/1/03	JD	1060 N. High St.	Pallet 19	3				March 2003, Center for Clinical Assessment Project Status Report		
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3/1/03	3/1/03	3/1/03	3/1/03	JD	1060 N. High St.	Pallet 19	3				Oncocept, Global Lung Cancer Strategy Review, March 2003		
3/1/03	3/1/03	3/1/03	3/1/03	JD	1060 N. High St.	Pallet 19	3				Oncocept TEC Meeting, 7/25/03	TEC	
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3/1/03	3/1/03	3/1/03	3/1/03	JD	1060 N. High St.	Pallet 19	3				Oncocept, Program Update, August 2004		
3/1/03	3/1/03	3/1/03	3/1/03	JD	1060 N. High St.	Pallet 19	3				PSA Doubling Time (PSADT)		
3/1/03	3/1/03	3/1/03	3/1/03	JD	1060 N. High St.	Pallet 19	3		ABT-510	ABT-510 in Sarcoma Phase 3 Planaria, TEC Review 5/21/04			2004
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3/1/03	3/1/03	3/1/03	3/1/03	JD	1060 N. High St.	Pallet 19	3				Abbott Laboratories And Infective Virology, Global Pharmaceutical Research & Development, 7/25/01		
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3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8		September 2002 Drug Safety Evaluation's Project Status Report		Development Overview	2002
3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8		September 2002 PARQ Status Report		Development Overview	2002
3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8		September 2002 European Venture Research Project Status Report		Development Overview	2002
3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8		September 2002 Center for Clinical Assessment Project Status Report		Development Overview	2002
3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8		GPBD HCE Protected Phase and Filings Timelines as of September 2002		Development Overview	2002
3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8		PIQ 2004 LRP Presentation, Draft, 5/7/04 PM and associated documents		Development Overview	2004
3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8	ABT-724	ABT-724 Dec 01 Development Overview Worksheet		Development Overview	2001
3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8	ABT-427	ABT-427 Dec 01 Development Overview Worksheet		Development Overview	2001
3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8	ABT-510	ABT-510 Dec 01 Development Overview Worksheet		Development Overview	2001
3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8	ABT-100	ABT-100 Dec 01 Development Overview Worksheet		Development Overview	2001
3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8	ABT-492	ABT-492 Dec 01 Development Overview Worksheet		Development Overview	2001
3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8	ABT-773	ABT-773 Dec 01 Development Overview Worksheet		Development Overview	2001
3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8		December 2001 Center for Clinical Assessment Project Status Report		Development Overview	2001
3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8		December 2001 PARQ Project Status Report		Development Overview	2001
3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8	ABT-427	ABT-427 Sep 02 Development Overview Worksheet		Development Overview	2002
3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8	ABT-751	ABT-751 Sep 02 Development Overview Worksheet		Development Overview	2002
3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8	ABT-510	ABT-510 Sep 02 Development Overview Worksheet		Development Overview	2002
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3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8	ABT-427	ABT-427 Sep 02 Development Overview Worksheet		Development Overview	2002
3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8	ABT-492	ABT-492 Sep 02 Development Overview Worksheet		Development Overview	2002
3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8	ABT-773	ABT-773 Sep 02 Development Overview Worksheet		Development Overview	2002
3/2/05	3/1/05	3/1/05	JD	1060 N. High St.	Palset 18	8		September 2002 Drug Safety Evaluation's Project Status Report		Development Overview	2002
3/2/05	3/1/05	3/1/05	JD	1060							

John Hancock - Document Index	Copy Requested	Copy Received	Date Indexed	Reviewer	Location	Folder	Box #	Box ID	Compound	File Name	Document Type	Date Range
3/8/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	11			ABT-773 Japan	Abbott Portfolio Review, 2002 Plan, August 19, 2002		2002
3/8/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	11				Study M99-118 (150 mg, 300 mg)		2002
3/8/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	11				PEC Meeting, Aug 8, 2004	PEC Meeting	2004
3/8/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	11				PEC Meeting, July 13, 2004	PEC Meeting	2004
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3/8/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	11			ABT-773	Banded sec: Primary protocol and technical related to ABT-773		
3/8/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	11			ABT-482	Banded sec: Various docs, MEDA Corp report, market share analyses		
3/8/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	12			ABT-773	Banded sec: Various GPRAD spreadsheets, 2002 Update Acquis and Estimates	GPRAD	
3/8/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	12				Articles, studies, protocols, etc. ABT-773, Technical in nature		
3/8/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	12				Banded sec: Miscellaneous spreadsheets (copy all)		
3/8/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	12				Banded sec: Various GPRAD spreadsheets (copy all)	GPRAD	
3/8/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	12				Banded sec: Various GPRAD spreadsheets and other reports/spreadsheets (copy all)	GPRAD	
3/8/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	13				2002 Plan Review Oversight Panel		2002
3/8/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	13				PPD RAD 2002 Plan Oversight		2002
3/8/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	13				GPRAD, 2002 Rate Development, R&T Oversight Cost Pool	GPRAD	2002
3/8/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	13				GPRAD, 2002 Rate Development, R&T Oversight Allocation, Direct Chargeable (GC) Oversight	GPRAD	2002
3/8/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	13				Final 2002 Plan, Revised Reference Package		2002
3/7/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	13				Global Pharmaceutical Research & Development, Operating Cost Statement - Monthly, 2002 Plan (1000's)		
3/7/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	13				Global Pharmaceutical Research & Development, Operating Cost Statement - Monthly, 2002 Plan (1000's)	GPRAD	
3/7/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	13				Global Pharmaceutical Research & Development, Operating Cost Statement - Monthly YTD, 2002 Plan (1000's)	GPRAD	
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3/7/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	13				GPRAD, Services Purchased - Monthly, 2002 Plan (1000's)	GPRAD	
3/7/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	13				banded sec: GPRAD, Global Pharmaceutical Research & Development, 2004 Plan (looks like a copy of an entire binder)	GPRAD	
3/7/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	13				banded sec: GPRAD, Global Pharmaceutical Research & Development, 2004 Update (looks like a copy of an entire binder)	GPRAD	
3/7/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	13				banded sec: 2003 Update, Corporate Review Book, GPRAD, Global Pharmaceutical Research & Development (looks like a copy of an entire binder) (Includes a fine - revenue recognition 2003 Plan - Plan Book)	GPRAD	
3/7/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	13				banded sec: 2003 Plan, January 2003, GPRAD, Global Pharmaceutical Research & Development	GPRAD	
3/7/02	3/11/02	3/7/02	MH	1060 N. High St.	Palet 19	13				banded sec: GPRAD, Global Pharmaceutical Research & Development, 2004 Update Reference Package	GPRAD	
3/8/02	3/11/02	3/8/02	MH	1060 N. High St.	Palet 19	14				Banded sec: GPRAD 2001 April Update Schedule - (\$M scheduled for Go/No Go decision by June 2001) (copy banded sec)	GPRAD	2001
3/8/02	3/11/02	3/8/02	MH	1060 N. High St.	Palet 19	14				GPRAD 2001 April Update, Pharmaceutical Blue Plan funding assumptions	GPRAD	2001
3/8/02	3/11/02	3/8/02	MH	1060 N. High St.	Palet 19	14				2001 APJ, GPRAD Follow Up from 4/8/01 meeting with Bob Funk	GPRAD	2001
3/8/02	3/11/02	3/8/02	MH	1060 N. High St.	Palet 19	14				GPRAD, 2001 April Update, Pharmaceutical Blue Plan Funding	GPRAD	2001
3/8/02	3/11/02	3/8/02	MH	1060 N. High St.	Palet 19	14				GPRAD, 2001 April Update, Final Functional Test Cuts, Functional Experiment - Commentary	GPRAD	2001
3/8/02	3/11/02	3/8/02	MH	1060 N. High St.	Palet 19	14				2001 April Update, Unfunded Savings Programs - Pending, (1000's)		2001
3/8/02	3/11/02	3/8/02	MH	1060 N. High St.	Palet 19	14				GPRAD, 2001 April Update, Dr. Jeff Leiden Follow-Up Package, May 20, 2001	GPRAD	2001
3/8/02	3/11/02	3/8/02	MH	1060 N. High St.	Palet 19	14				GPRAD, 2001 April Update, Key Unfunded projects (10M's)	GPRAD	2001
3/8/02	3/11/02	3/8/02	MH	1060 N. High St.	Palet 19	14			ABT-482	Project Template (2001 budget forecast 1)		2001
3/8/02	3/11/02	3/8/02	MH	1060 N. High St.	Palet 19	14			ABT-482	Grant Summaries (2001 forecast 1)		2001
3/8/02	3/11/02	3/8/02	MH	1060 N. High St.	Palet 19	14			ABT-773	Project Template (2001 budget forecast 1)		2001
3/8/02	3/11/02	3/8/02	MH	1060 N. High St.	Palet 19	14			ABT-773	Grant Summaries (2001 forecast 1)		2001
3/8/02	3/11/02	3/8/02	MH	1060 N. High St.	Palet 19	14			ABT-781	Project Template (2001 budget forecast 1)		2001
3/8/02	3/11/02	3/8/02	MH	1060 N. High St.	Palet 19	14			ABT-781	Grant Summaries (2001 forecast 1)		2001
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3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-109	- GPRAD, 2002 update headcount rollforward, (favorable/unfavorable)	GPRAD	2002	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-109	- GPRAD, 2002 update, (GOOD/Fair, unfavorable, unfavorable)	GPRAD	2002	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-100	- GPRAD, 2002 update headcount rollforward, (favorable/unfavorable) (OLD VERSION)	GPRAD	2002	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-100	- PFI #2 (ABT-100), 2002 update Development cost Summary - Funded Program	GPRAD	2002	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-100	- GPRAD, Affordability summary, 2002 update	GPRAD	2002	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-100	- banded set: Global Pharmaceutical Research & Development, Clinical Grant Data, 2002 Update United States - Clin S Report (108 pages) (copy M banded set)	GPRAD	2002	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-100	- banded set: various GPRAD from memos, Aug 2001 updates (copy M banded set)	GPRAD	2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-100	- Interoffice memorandum, from John Leonard, Aug 16, 2001	Interoffice Memo	2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-100	- NCE in Development July 2001 (SRA Product Pipeline Status - Held, Jun-01, ABT-518 "Terminated June NCE 01")		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-482	- July 2001, PARC project Status Report, Monthly highlights		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-773	- July-01, ABT-773 Clinical Antibiotic Tablet (3-page spreadsheet with costs, plan, etc.)		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-510	- July-01, ABT-510 (Dev. Overview, 5 pages)	Development Overview	2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-516	- July-01, ABT-516 (Dev. Overview, 5 pages)	Development Overview	2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-482	- July-01, ABT-482 (Dev. Overview, 5 pages)	Development Overview	2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-751	- July-01, ABT-751 (Dev. Overview, 5 pages)	Development Overview	2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-594	- July-01, ABT-594 (Dev. Overview, 5 pages) (page 2 of 7, maintenance activities only - program is on hold pending global pharma exec committee meeting) August, Page 4 refers to various commercial activities as "terminated due to pending/terminated status. Page 6 - critical study phase II, and "04-01"	Development Overview	2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-594	- August 2001, ABT-594 (page 2 of 6, "maintenance activities only - program is on hold pending GP Executive committee meeting in September, Go - No Go target for program 28/01)		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-751	- Aug-01, ABT-751 (Dev. Overview, 5 pages)	Development Overview	2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-482	- Aug-01, ABT-482 (Dev. Overview, 5 pages)	Development Overview	2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-510	- Aug-01, ABT-510 (Dev. Overview, 5 pages)	Development Overview	2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-482	- Aug-01, ABT-482 (Dev. Overview, 5 pages)	Development Overview	2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-773	- Aug-01, ABT-773 (Dev. Overview, 10 pages)	Development Overview	2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-482	- August 2001, Executive Summary Research Project Status Report (4 pages)		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-773	- August 2001, Data Safety Evaluation Project Status Report (3 pages)		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-773	- August 2001, PARC Project Status Report (3 pages)		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-773	- August 2001, Research Summary Research & Development, Global All. SRA (Millions)		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-773	- Interoffice memorandum, from John Leonard, Sept 10, 2001, Monthly Highlights August 2001		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-773	- GPRAD Financial Projections for August 2001 (1 page)	GPRAD	2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-773	- GPRAD, NCE Projected Phase and Timing Timelines as of August 2001 (powerpoint w/ timeline charts)	GPRAD	2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-773	- banded set: Various Oncology Therapeutic Executive Committee meeting minutes, memos, etc. (copy entire banded set)	TEC	2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-773	- Oncology Therapeutic Executive Committee Meeting, October 14, 2003	TEC	2003	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-773	- Oncology TEC Meeting, September 15, 2003	TEC	2003	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-773	- Oncology TEC Meeting, August 11, 2003	TEC	2003	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-773	- Oncology TEC Meeting, July 23, 2003	TEC	2003	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-773	- Oncology TEC Meeting, June 23, 2003	TEC	2003	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-773	- Oncology Steering Committee (OSC) Meeting, April 24, 2004, Draft Minutes	OSC	2004	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-773	- Oncology Steering Committee (OSC) Meeting, July 21, 2004, Draft Minutes	OSC	2004	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-773	- similar memos for various meetings in 2003 and 2004		2003	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- banded set: Includes various clinical documents		2003	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- ABT-724 oral protocol, safety, stats, technical summaries April 16, 2003)		2003	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- Abbott laboratories, Clinical Study Report RAB 02/840, Safety and Pharmacokinetics of Rising Sing Doses of ABT-724 in Healthy Male Subjects, ABT-724 / protocol M02-441, 30 April 2003		2003	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- various additional information related to ABT-724 study		2003	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- Information for Clinical Investigation, ABT-724		2003	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- PEC Meeting, Sept 7, 2004		2004	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- Executive Overview Project, Neuroscience Research, Global Pharmaceutical Research & Development, ABT-724: a selective dopamine D4 agonist for the treatment of schizophrenia		2004	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- banded set: ABT-724 development presentations, other spreadsheet (contents selected for copy)		2004	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- ABT-724 20/2001 Turnover/turnover (unavailable)		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- ABT-724 Ph II Decision Project, Core Team meeting, May 18, 2001		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- ABT-724 Ph II Decision Project, EU Regulatory Assessments, D3Q (multiple copies)		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- ABT-724 development timeline		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- ABT-724 Ph II Decision Project, Technical Assessments, 20/2001, D3Q		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- ABT-724 Ph II Decision Project, US Regulatory Assessments, D3Q		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- ABT-724 Ph II Decision Project, Core Team Meeting, April 18, 2001, D3Q		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- ABT-724 Continuation Plan		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- ABT-724 Portfolio Review, December 4, 2000 (spreadsheet 107 pages)	PowerPoint	2000	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- ABT-724 Update, March 19, 2001 (powerpoint 24 pages)	PowerPoint	2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- GPRAD, Grants - Monthly, 2003 Plan (500/2)		2003	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- GPRAD, 2001 April Update, Discovery Commentary (banded set)		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- Portfolio Selection Approach - Phase Balance with Phase II Base, Budget Limit \$600 Million, various spreadsheets (pages 150+ pages)		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- Fax re: Initiatives for Phase II of Abiraterone		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- Letter re: Recruitment Initiatives for Abiraterone Studies M00-211 and M00-244		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- Recruitment, registration, eligibility and other documents relating to Study/Protocol M00-211 and M00-244		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- Week by Week descriptions of how the study should be conducted for Protocols M00-211, M00-244 and M00-266		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- Various regulatory documents and address letters related to M00-211, M00-244 and M00-266		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- Brief Background and Clinical Development Test Plan for M00-211, M00-244 and M00-266		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- Brief Synopsis and Clinical Development Test Plan for M00-211, M00-244 and M00-266		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- Various PowerPoint Presentations regarding the GCP's	PowerPoint	2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- Audio Interview, Review of the GCP's		2001	
3/3/2005	3/17/2005	3/3/2005	MH	1060 N. High St.	Patel ID	14		ABT-724	- PowerPoint presentation titled "M00-211 Main Focus"		2001	

## John Hancock - Document Index

Copy Requested	Copy Received	Date Indexed	Reviewer	Location	Pallet	Box #	Box ID	Compound	File Name	Document Type	Date Range
		3/7/05	JD	1060 N. High St.	Pallet 19	15		ABT-627	PowerPoint presentation titled "M00-254 Monitoring Guidelines"		
		3/7/05	JD	1060 N. High St.	Pallet 19	15		ABT-627	Various meeting reports relating to Protocols M00-211, M00-244 and M00-254		
		3/7/05	JD	1060 N. High St.	Pallet 19	15		ABT-627	Report titled "Clinical Study Protocol M00-211"		
		3/7/05	JD	1060 N. High St.	Pallet 19	15		ABT-627	Form letters for mass mailing regarding Protocol M01-304		
		3/7/05	JD	1060 N. High St.	Pallet 19	15		ABT-627	Report titled "Clinical Study Protocol M00-244"		
		3/7/05	JD	1060 N. High St.	Pallet 19	15		ABT-627	List of test subjects for M00-211 and M00-244		
		3/7/05	JD	1060 N. High St.	Pallet 19	15		ABT-627	Abstract Labs 20-244 Charter		
		3/7/05	JD	1060 N. High St.	Pallet 19	15		ABT-627	Various documents relating to specific procedures for Protocols M00-211, M00-244 and M00-254		
		3/7/05	JD	1060 N. High St.	Pallet 19	15		ABT-627	PowerPoint Presentation re: M00-584, Oxyones	PowerPoint	
		3/7/05	JD	1060 N. High St.	Pallet 19	15		ABT-627	Financial summary of costs for Protocol M00-211		
		3/7/05	JD	1060 N. High St.	Pallet 19	15		ABT-627	Letter giving a brief description of compounds ABT-610, ABT-616, ABT-751 and ABT-627		
		3/7/05	JD	1060 N. High St.	Pallet 19	15		ABT-627	Various PowerPoint presentations re: ABT-627 and M00-584		
		3/7/05	JD	1060 N. High St.	Pallet 19	15		ABT-627	Cess Report Form Completion Guidelines, Deviations/Issue Impact Assessments, team lists and other documents/presentations relating to Protocol M01-304		
		3/7/05	JD	1060 N. High St.	Pallet 19	15		ABT-627	Various PowerPoint presentations re: ABT-627 and M00-584		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15			QPRD 2004 Plan - Reference Package (almost entirely redacted)	QPRD	
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15			Excel Spreadsheet detailing costs per vendor per compound		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15			Various documents showing Clinical Grant Information		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-584, 627, 773	PPD Development Compound Summary for ABT-584, ABT-627 and ABT-773 and related documents		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15			PowerPoint Presentation relating to Oncology		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	ABT-751 Timeline and Project Update Packet 11/5/04		2004
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-610, 751, 627	Overview Presentation, updated R&D for ABT-627, ABT-610 and ABT-751		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	Probability Assessment Worksheet for ABT-751 and supporting document including funding info		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-610, 751, 627	QPRD 2005 Internal and External Goals for ABT-610, ABT-751, ABT-627	QPRD	
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	Probability Assessment Worksheet for ABT-751		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15			List of Effective Analyses Tables and Figures		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15			2002 Update - Global Pharmaceutical Research & Development (some pages double stated and includes budget amounts and variances)		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15			VARIOUS DOCUMENTS-Documents heavily redacted and lack column headings. Need more INFO		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-773	ABT-773 Abbreviated Clinical Study Report, M00-007, 10/29/02 (two copies)		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-773	ABT-773 Clinical Study Report M01-325, 12/13/03		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-773	11th European Congress of Clinical Microbiology and Infectious Diseases, Lima, Botelbols		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-773	11th European Congress of Clinical Microbiology and Infectious Diseases, In Vitro Studies of Antimicrobial Drugs		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-773	Scientific Posters Presented at the 41st ICAAC		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-773	Articles and Posters related to ABT-773		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-773	Printed journal articles and abstracts related to ABT-773		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-773	11th European Congress of Clinical Microbiology and Infectious Diseases, Comparison of NCCLS and BSAC Methods of Susceptibility		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-773	International Journal of Antimicrobial Agents Article, Bactericidal effect of cotrimoxazole (ABT-773) in a immunocompetent murine pneumococcal pneumonia model		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-773	Articles Word CYP3A5 Genotype has a dose dependent effect on ABT-773 Plasma levels		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-773	ABT-773 Bibliography, Jan 03		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-773	ABT-773 Bibliography, Oct 04		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-773	ABT-773 Bibliography, Oct 04		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-773	ABT-773 Publication List, March 28, 2004		2004
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	ABT-751 Global Life Cycle Management Strategy		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	ABT-751 2004 QPRD Plan Prioritization: Proposed Assumptions for Ongoing Projects and related documents (includes reports)	QPRD	
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	ABT-751 2005 Preclinical Activities		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	2003 Budget Update and Cost Analysis		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	ABT-751 Update, Oncology Steering Committee, 4/13/04		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	ABT-751 Project Dashboard - Some include notes on timelines		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	PowerPoint Presentation - ABT-751 Indication Update and Backup	PowerPoint	
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	ABT-751 Timeline and related documents		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	ABT-751 Clinical		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	ABT-751 Project Update - Oncology Steering Committee, 12/2/03		2003
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	ABT-751 Update, Oncology Steering Committee, 4/13/04		2004
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	ABT-751 Project Dashboard		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	ABT-751 Project Update - Oncology Steering Committee, 11/7/03 (2 copies)		2003
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	ABT-751 Project Dashboard, Indication notes as instructed		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	Phase B Efficacy - List of Protocols		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	Figure 1.2 - Analysis of time to disease progression		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	M02-418 - Site Payment Tracking	Site Payment Tracking	
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	M02-446 - Site Payment Tracking	Site Payment Tracking	
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	M02-447 - Site Payment Tracking	Site Payment Tracking	
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	M02-448 - Site Payment Tracking	Site Payment Tracking	
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	ABT-751 - Site Payment Tracking (Summary of previous)	Site Payment Tracking	
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	PBR Budget projections for 4/7/04		2004
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15		ABT-751	PBR Budget Summary for various weeks of 2003 and 2004		
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15			QPRD 2004 Plan General Comments/Instructions	QPRD	2004
3/8/05	3/17/05	3/8/05	JD	1060 N. High St.	Pallet 19	15			QPRD Travel Expenses Interface	QPRD	2004

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# **Martinez Deposition Exhibit 16**

## **D's Exhibit LC**

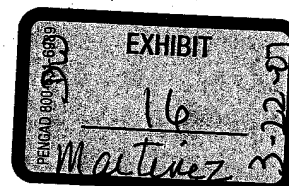
Brian Davis, Esq.  
 Choate, Hall & Stewart  
 53 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
May 08, 2004	1017	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: April 5 through May 6, 2004.

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	21.50	\$6,562.50
Total Out of Pocket Expenses		\$1,412.80
Total amount of this bill		<u>\$7,975.30</u>



	Remit Wire Payments to: Boston Private Bank & Trust Company 10 Post Office Square Boston, MA 02109  ABA#011002343 StoneTurn Group LLP A/C#4055513
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 JHII 021505

Brian Davis, Esq.  
 Choate, Hall & Stewart  
 53 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
June 17, 2004	1023	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: May 7 through June 16, 2004.

**Professional Services**

	<u>Hours</u>	<u>Amount</u>
Brian Napper	2.00	850.00
Chris Martinez	26.00	9,750.00
For professional services rendered	28.00	\$10,600.00
<b>Additional Charges :</b>		
6/3/2004 Taxi to Choate from hotel		10.00
6/8/2004 Telephone - Business(not cellular) call to Napper in Mexico to prep for Abbott/Hancock call on 6/7		9.00
6/16/2004 Printing & Copying and delivery		98.64
Total Out of Pocket Expenses		<u>\$117.64</u>
Total amount of this bill		<u>\$10,717.64</u>

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**JHII 021506**

Brian Davis, Esq.

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## Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Amount</u>
Brian Napper	2.00	\$850.00
Chris Martinez	26.00	\$9,750.00

Remit Wire Payments to:  
Boston Private Bank & Trust Company  
10 Post Office Square  
Boston, MA 02109

ABA#011002343  
StoneTurn Group LLP A/C#4055513

**CONFIDENTIAL**  
**JHII 021507**

Brian Davis, Esq.  
 Choate, Hall & Stewart  
 53 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
July 16, 2004	1035	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: June 17 through July 9, 2004.

Professional Services

	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
Brian Napper	\$425/hr	7.00	\$2,975.00
Chris Martinez	\$375/hr	36.00	\$13,500.00
Christopher Fern	\$300/hr	26.00	\$7,800.00
Christopher Sandman	\$75/hr	46.00	\$3,450.00
For professional services rendered		<u>115.00</u>	<u>\$27,725.00</u>

Additional Charges :

Airplane Tickets	\$6,717.90
Auto - Mileage	\$36.00
Auto Parking - Travel	\$198.00
Auto Rental	\$389.43
Hotel	\$2,655.60
Meals - Travel	\$702.63
Printing & Copying	\$9.93

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Brian Davis, Esq.

Page 2

	<u>Amount</u>
Taxi	\$217.00
Telephone - Business(not cellular)	\$24.25
Total Out of Pocket Expenses	<u>\$10,950.74</u>
Total amount of this bill	<u>\$38,675.74</u>

**Mail Checks to:**  
StoneTurn Group, LLP  
60 State Street  
Suite 700  
Boston, MA 02109

**Remit Wire Payments to:**  
Boston Private Bank & Trust Company  
10 Post Office Square  
Boston, MA 02109

ABA#011002343  
StoneTurn Group LLP A/C#4055513

StoneTurn Group, LLP Tax ID: 20-0892304

**CONFIDENTIAL**  
**JHII 021509**

Brian Davis, Esq.  
 Choate, Hall & Stewart  
 53 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
August 17, 2004	1049	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: July 12 through August 9, 2004

Professional Services

	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
Brian Napper	\$425/hr	0.50	\$212.50
Chris Martinez	\$375/hr	19.50	\$7,312.50
Christopher Fern	\$300/hr	4.00	\$1,200.00
Christopher Sandman	\$75/hr	24.00	\$1,800.00
For professional services rendered		<u>48.00</u>	<u>\$10,525.00</u>
Additional Charges :			
Airplane Tickets			\$2,110.40
Auto - Mileage			\$18.00

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**JHII 021510**

Brian Davis, Esq.

Page 2

	<u>Amount</u>
Auto Parking - Travel	\$22.00
Auto Rental	\$180.45
Hotel	\$1,178.24
Meals - Travel	\$116.17
Taxi	\$70.00
Total Out of Pocket Expenses	<u>\$3,695.26</u>
Total amount of this bill	<u>\$14,220.26</u>

Mail Checks to:  
 StoneTurn Group, LLP  
 60 State Street  
 Suite 700  
 Boston, MA 02109

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 Boston, MA 02109

ABA#011002343  
 StoneTurn Group LLP A/C#4055513

StoneTurn Group, LLP Tax ID: 20-0892304

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 JHII 021511

Brian Davis, Esq.  
 Choate, Hall & Stewart  
 53 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
December 13, 2004	1103	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: September 2 through December 10, 2004

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	29.00	\$10,100.00
Total Out of Pocket Expenses		\$1,708.52
Total amount of this bill		<u>\$11,808.52</u>

**Mail Checks to:**  
 StoneTurn Group, LLP  
 60 State Street  
 Suite 700  
 Boston, MA 02109

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 Boston Private Bank & Trust Company  
 10 Post Office Square  
 Boston, MA 02109

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StoneTurn Group, LLP Tax ID: 20-0892304

**CONFIDENTIAL**  
**JHII 021512**



Choate, Hall & Stewart  
Re: John Hancock

Details of Time and Expense  
Invoice # 1103

Time Charges:

Name	Level	Hours	Rate	Total
Martinez	Partner	18.50	375	6,937.50
Irvine	Managing Director	5.50	325	1,787.50
Zoltowski	Manager	5.00	275	1,375.00
		<u>29.00</u>		<u>\$ 10,100.00</u>

Expense Detail:

Name	Level	Air/Rail	Hotel	Car/Cab/ Parking	Meals	Printing/ Copying/Postage	Other	Total
Irvine	Managing Director	616.70	238.57	199.00	22.00			1,076.27
Zoltowski	Manager	473.69		146.65	11.91			632.25
Total Expense		<u>\$ 1,090.39</u>	<u>\$ 238.57</u>	<u>\$ 345.65</u>	<u>\$ 33.91</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1,708.52</u>

CONFIDENTIAL  
JHII 021513

Brian Davis, Esq.  
 Choate, Hall & Stewart  
 53 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
January 26, 2005	1120	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: December 13, 2004 through January 21, 2005

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	28.00	\$10,500.00
Total Out of Pocket Expenses		\$1,718.37
Total amount of this bill		<u>\$12,218.37</u>

<b>Mail Checks to:</b> StoneTurn Group, LLP 60 State Street Suite 700 Boston, MA 02109	<b>Remit Wire Payments to:</b> Boston Private Bank & Trust Company 10 Post Office Square Boston, MA 02109  ABA#011002343 StoneTurn Group LLP A/C#4055513
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StoneTurn Group, LLP Tax ID: 20-0892304

**CONFIDENTIAL**  
**JHII 021514**



Choate, Hall & Stewart  
Re: John Hancock

Details of Time and Expense  
Invoice # 1120

Time Charges:

Name	Level	Hours	Rate	Total
Martinez	Partner	28.00	375	10,500.00
		<u>28.00</u>		<u>\$ 10,500.00</u>

Expense Detail:

Name	Level	Air/Rail	Hotel	Car/Cab/ Parking	Meals	Printing/ Copying/Postage	Other	Total
Martinez	Partner	1,246.60	176.46	230.31	65.00			1,718.37
Total Expense		<u>\$ 1,246.60</u>	<u>\$ 176.46</u>	<u>\$ 230.31</u>	<u>\$ 65.00</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1,718.37</u>

CONFIDENTIAL  
JHII 021515

Brian Davis, Esq.  
 Choate, Hall & Stewart  
 53 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
February 10, 2005	1131	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: January 24 through February 4, 2005

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	33.75	\$10,400.00
Total Out of Pocket Expenses		\$2,442.07
Total amount of this bill		<u>\$12,842.07</u>

**Mail Checks to:**  
 StoneTurn Group, LLP  
 60 State Street  
 Suite 700  
 Boston, MA 02109

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StoneTurn Group, LLP Tax ID: 20-0892304

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**JHII 021516**



**STONETURN**  
GROUP

Choate, Hall & Stewart  
Re: John Hancock

Details of Time and Expense  
Invoice # 1131

**Time Charges:**

Name	Level	Hours	Rate	Total
Martinez	Partner	7.00	375	2,625.00
Hair	Managing Director	21.50	325	6,987.50
Dennis	Consultant	5.25	150	787.50
		<u>33.75</u>		<u>\$ 10,400.00</u>

**Expense Detail:**

Name	Level	Air/Rail	Hotel	Car/Cab/ Parking	Meals	Printing/ Copying/Postage	Other	Total
Martinez	Partner	628.40		18.00	23.00			669.40
Hair	Managing Director	725.41	353.30	211.23	61.82			1,351.76
Dennis	Consultant	420.91						420.91
Total Expense		<u>\$ 1,774.72</u>	<u>\$ 353.30</u>	<u>\$ 229.23</u>	<u>\$ 84.82</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 2,442.07</u>

CONFIDENTIAL  
JHII 021517

Brian Davis, Esq.  
 Choate, Hall & Stewart  
 53 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
March 03, 2005	1136	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: February 7 through February 18, 2005

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	71.25	\$23,157.50
Total Out of Pocket Expenses		\$1,157.22
Total amount of this bill		<u>\$24,274.72</u>

**Mail Checks to:**  
 StoneTurn Group, LLP  
 60 State Street  
 Suite 700  
 Boston, MA 02109

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 10 Post Office Square  
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StoneTurn Group, LLP Tax ID: 20-0892304

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**JHII 021518**



Choate, Hall & Stewart  
Re: John Hancock

Details of Time and Expense  
Invoice # 1136

Time Charges:

Name	Level	Hours	Rate	Total
Martinez	Partner	11.00	375	4,125.00
Hair	Managing Director	57.00	325	18,525.00
Shevchenko	Consultant	3.25	150	487.50
		<u>71.25</u>		<u>\$ 23,137.50</u>

Expense Detail:

Name	Level	Air/Rail	Hotel	Car/Cab/ Parking	Meals	Printing/ Copying/Postage	Other	Total
Martinez	Partner			20.00		39.79		59.79
Hair	Managing Director	528.60	375.36	115.80	57.67			1,077.43
Total Expense		<u>\$ 528.60</u>	<u>\$ 375.36</u>	<u>\$ 135.80</u>	<u>\$ 57.67</u>	<u>\$ 39.79</u>	<u>\$ -</u>	<u>\$ 1,137.22</u>

CONFIDENTIAL  
JHII 021519

Brian Davis, Esq.  
 Choate, Hall & Stewart  
 58 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
March 03, 2005	1136	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: February 7 through February 18, 2005

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	71.25	\$23,137.50
Total Out of Pocket Expenses		\$1,137.22
Total amount of this bill		<u>\$24,274.72</u>

**CONFIDENTIAL**  
**JHH 021520**

**Mail Checks to:**  
 StoneTurn Group, LLP  
 60 State Street  
 Suite 700  
 Boston, MA 02109

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 Boston Private Bank & Trust Company  
 10 Post Office Square  
 Boston, MA 02109

ABA#011002343  
 StoneTurn Group LLP A/C#4055513

StoneTurn Group, LLP Tax ID: 20-0892304

Brian Davis, Esq.  
 Choate, Hall & Stewart  
 53 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
March 22, 2005	1152	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: March 6 through March 20, 2005

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	164.50	\$39,612.50
Total Out of Pocket Expenses		\$5,871.80
Total amount of this bill		<u>\$45,484.30</u>

**Mail Checks to:**  
 StoneTurn Group, LLP  
 60 State Street  
 Suite 700  
 Boston, MA 02109

**Remit Wire Payments to:**  
 Boston Private Bank & Trust Company  
 10 Post Office Square  
 Boston, MA 02109

ABA#011002343  
 StoneTurn Group LLP A/C#4055513



**STONETURN**  
GROUP

Choate, Hall & Stewart  
Re: John Hancock

Details of Time and Expense  
Invoice # 1152

**Time Charges:**

Name	Level	Hours	Rate	Total
Martinez	Partner	13.50	375	5,062.50
Hair	Managing Director	68.00	325	22,100.00
Dennis	Consultant	72.00	150	10,800.00
Shevchenko	Consultant	11.00	150	1,650.00
		<u>164.50</u>		<u>\$ 39,612.50</u>

**Expense Detail:**

Name	Level	Air/Rail	Hotel	Car/Cab/ Parking	Meals	Printing/ Copying/Postage	Other	Total
Martinez	Partner	578.40	199.23	79.00	141.39	156.32		1,154.34
Hair	Managing Director	100.00	676.57	394.25	85.71			1,256.53
Dennis	Consultant	1,186.90	1,893.16	189.90	190.97			3,460.93
Total Expense		<u>\$ 1,865.30</u>	<u>\$ 2,768.96</u>	<u>\$ 663.15</u>	<u>\$ 418.07</u>	<u>\$ 156.32</u>	<u>\$ -</u>	<u>\$ 5,871.80</u>

CONFIDENTIAL  
JHII 021522

Brian Davis, Esq.  
 Choate, Hall & Stewart  
 53 State Street  
 Boston MA 02109

<i>Invoice Date</i>	<i>Invoice Number</i>	<i>Payment Terms</i>
April 18, 2005	1168	Due Upon Receipt

**In Reference To: John Hancock**

For Professional Services Rendered: March 21 through April 1, 2005

Professional Services

	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
Chris Martinez	\$375/hr	11.00	\$4,125.00
Mark Hair	\$325/hr	47.00	\$15,275.00
For professional services rendered		58.00	\$19,400.00
Total Out of Pocket Expenses			\$1,114.07
Total amount of this bill			<u>\$20,514.07</u>

**CONFIDENTIAL**  
**JHII 021523**

**Mail Checks to:**  
StoneTurn Group, LLP  
60 State Street  
Suite 700  
Boston, MA 02109

**Remit Wire Payments to:**  
Boston Private Bank & Trust Company  
10 Post Office Square  
Boston, MA 02109

ABA#011002343  
StoneTurn Group LLP A/C#4055513

StoneTurn Group, LLP Tax ID: 20-0892304

**CONFIDENTIAL**  
JHII 021524



Choate, Hall & Stewart  
Re: John Hancock

Details of Time and Expense  
Invoice # 1168

Time Charges:

Name	Level	Hours	Rate	Total
Martinez	Partner	11.00	375	4,125.00
Hair	Managing Director	47.00	325	15,275.00
		<u>58.00</u>		<u>\$ 19,400.00</u>

Expense Detail:

Name	Level	Air/Rail	Hotel	Car/Cab/ Parking	Meals	Printing/ Copying/Postage	Other	Total
Martinez	Partner					279.12		279.12
Hair	Managing Director					834.95		834.95
Total Expense		<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1,114.07</u>	<u>\$ -</u>	<u>\$ 1,114.07</u>

CONFIDENTIAL  
JHII 021525

# **Martinez Deposition Exhibit 17**

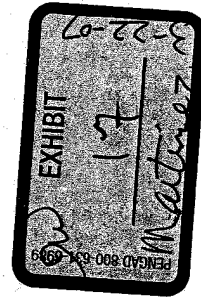
## **D's Exhibit LD**

John Hancock Jott

Choate, Hall &amp; Stewart

StoneTurn - Time Sheet Report (Timeslips System through 9/30/05)

Transaction	Client	Timekeeper	Activity	Date	Time Spent	Description
TIME	Choate/JH0001	Brian Napper	Conference Call	6/7/04	2.00	Conference call w/ opposing counsel and Choate plus prep.
TIME	Choate/JH0001	Brian Napper	Review Documents	6/30/04	6.00	Review of Abbott production of docs
TIME	Choate/JH0001	Brian Napper	Discussions	7/1/04	0.50	Discussions w/ site team
TIME	Choate/JH0001	Brian Napper	Discussions	7/7/04	0.50	Discussions w/ Team in Chicago
TIME	Choate/JH0001	Brian Napper	Discussions	7/12/04	0.50	Discussions w/ Martinez re: status
TIME	Choate/JH0001	Chris Martinez	Conference Call	4/5/04	1.75	Conference call w/B. Davis & M. Walsh. re: project
TIME	Choate/JH0001	Chris Martinez	Review Documents	4/9/04	2.75	Development of Schedule A' for Audit notification to Abbott and review of agreement and exhibits"
TIME	Choate/JH0001	Chris Martinez	Review Documents	4/20/04	5.00	Review of Hancock documents at Choate offices
TIME	Choate/JH0001	Chris Martinez	Conference Call	5/6/04	2.00	Conference call w/ Brian Davis/Steve Blewitt/ contract review
TIME	Choate/JH0001	Chris Martinez	Analysis	5/31/04	4.00	Review documents
TIME	Choate/JH0001	Chris Martinez	Meeting	6/3/04	2.00	Meeting w/Choate and John Hancock, and prep.
TIME	Choate/JH0001	Chris Martinez	Conference Call	6/7/04	2.00	Conference call w/Winston & Strawn and prep.
TIME	Choate/JH0001	Chris Martinez	Review Documents	6/10/04	2.00	Review of John Hancock documents
TIME	Choate/JH0001	Chris Martinez	Review Documents	6/11/04	2.00	Review of John Hancock documents
TIME	Choate/JH0001	Chris Martinez	Analysis	6/14/04	5.00	document review and preparation for Abbott contract audit"
TIME	Choate/JH0001	Chris Martinez	Analysis	6/15/04	5.00	document review and preparation for Abbott contract audit"
TIME	Choate/JH0001	Chris Martinez	Analysis	6/16/04	4.00	document review and preparation for Abbott contract audit"
TIME	Choate/JH0001	Chris Martinez	Analysis	6/24/04	4.00	Analysis of research funding agreement
TIME	Choate/JH0001	Chris Martinez	Analysis	6/25/04	2.00	Analysis of Research Funding Agreement and related correspondence
TIME	Choate/JH0001	Chris Martinez	Analysis	6/29/04	2.00	Analysis of correspondence and funding agreement
TIME	Choate/JH0001	Chris Martinez	Analysis	6/30/04	8.00	Document review at Abbott
TIME	Choate/JH0001	Chris Martinez	Analysis	7/7/04	8.00	Document review at Abbott
TIME	Choate/JH0001	Chris Martinez	Analysis	7/8/04	8.00	Review of Abbott documents
TIME	Choate/JH0001	Chris Martinez	Analysis	7/9/04	4.00	Review of Abbott documents
TIME	Choate/JH0001	Chris Martinez	Analysis	7/19/04	6.00	Review of Abbott documents
TIME	Choate/JH0001	Chris Martinez	Analysis	7/20/04	6.00	Review of Abbott documents
TIME	Choate/JH0001	Chris Martinez	Analysis	7/21/04	4.00	Abbott document organization and analysis
TIME	Choate/JH0001	Chris Martinez	Analysis	7/26/04	2.00	document index organization and review
TIME	Choate/JH0001	Chris Martinez	Discussions	8/9/04	1.50	Discussions w/ counsel KCT and review of documents observed
TIME	Choate/JH0001	Chris Martinez	Review Documents	10/12/04	4.50	Review of Abbott produced documents
TIME	Choate/JH0001	Chris Martinez	Analysis	10/15/04	2.00	Analysis of documents produced by Abbott
TIME	Choate/JH0001	Chris Martinez	Review Documents	12/6/04	6.00	Review of documents copied and prep for 12/9 meeting w/Abbott
TIME	Choate/JH0001	Chris Martinez	Analysis	12/7/04	2.00	Analysis of documents required to perform review of Abbott
TIME	Choate/JH0001	Chris Martinez	Analysis	12/8/04	3.00	Analysis of documents reviewed
TIME	Choate/JH0001	Chris Martinez	Analysis	12/9/04	1.00	prep for Abbott meeting
TIME	Choate/JH0001	Chris Martinez	Analysis	12/13/04	3.00	discussion w/B. Davis and prep for 12/17 meeting
TIME	Choate/JH0001	Chris Martinez	Analysis	12/14/04	5.00	Analysis of documents produced by Abbott / prep for 12/17 meeting
TIME	Choate/JH0001	Chris Martinez	Analysis	12/15/04	4.00	discussion w/B. Davis and prep for 12/17 meeting with Abbott
TIME	Choate/JH0001	Chris Martinez	Meeting	12/17/04	6.00	Meeting w/Abbott and B. Davis and meeting prep.
TIME	Choate/JH0001	Chris Martinez	Analysis	1/17/05	1.00	Analysis of electronic information provided by Abbott
TIME	Choate/JH0001	Chris Martinez	Analysis	1/19/05	2.00	Analysis/review of information requested by Abbott and information received
TIME	Choate/JH0001	Chris Martinez	Analysis	1/20/05	7.00	Document review at Abbott Facility; summary of information reviewed
TIME	Choate/JH0001	Chris Martinez	Analysis	1/28/05	1.00	preparation and doc review for visit to Abbott on 1/31
TIME	Choate/JH0001	Chris Martinez	Review Documents	1/31/05	6.00	Review of Abbott docs at Mundelein facility
TIME	Choate/JH0001	Chris Martinez	Analysis	2/7/05	2.00	Analysis of Abbott docs produced
TIME	Choate/JH0001	Chris Martinez	Analysis	2/8/05	4.00	Analysis of Abbott docs produced; call to Abbott
TIME	Choate/JH0001	Chris Martinez	Analysis	2/9/05	4.00	Analysis of Abbott docs; discussion w/counsel
TIME	Choate/JH0001	Chris Martinez	Conference Call	2/10/05	1.00	Call w/counsel; abbott doc analysis
TIME	Choate/JH0001	Chris Martinez	Analysis	2/28/05	1.00	Analysis of ABT 594 documents
TIME	Choate/JH0001	Chris Martinez	Analysis	3/4/05	3.00	Analysis of documents reviewed re: compounds
TIME	Choate/JH0001	Chris Martinez	Review Documents	3/7/05	9.00	Review of Abbott docs in Mundelein



CONFIDENTIAL  
JHII 021501

# REDACTED

Transaction Type	Client	Timekeeper	Activity	Date	Time Spent	Description
TIME	Choate/JH0001	Chris Martinez	Review Documents	3/8/05	3.00	Review of documents/index review
TIME	Choate/JH0001	Chris Martinez	Conference Call	3/11/05	1.00	Conference call w/ team re: strategy
TIME	Choate/JH0001	Chris Martinez	Conference Call	3/16/05	0.50	Conference call w/ m. hair re: abbott docs
TIME	Choate/JH0001	Chris Martinez	Analysis	3/22/05	1.00	document analysis; discussion with Hair
TIME	Choate/JH0001	Chris Martinez	Analysis	3/23/05	4.00	prep for call with counsel on 3/24; document review and analysis
TIME	Choate/JH0001	Chris Martinez	Analysis	3/24/05	5.00	call with counsel and prep; review of relevant ABT-510 and 594 documents
TIME	Choate/JH0001	Chris Martinez	Analysis	3/30/05	1.00	Analysis of Abbott production of docs
TIME	Choate/JH0001	Chris Martinez	Analysis	4/12/05	1.00	Analysis of documents to be sent to counsel
TIME	Choate/JH0001	Chris Martinez	Analysis	4/13/05	0.50	Analysis of licensing docs
TIME	Choate/JH0001	Christopher Fern	Conference Call	6/24/04	1.00	Conference call w/
TIME	Choate/JH0001	Christopher Fern	Review Documents	6/25/04	3.00	Review of Contract
TIME	Choate/JH0001	Christopher Fern	Review Documents	6/29/04	4.00	Review of
TIME	Choate/JH0001	Christopher Fern	Analysis	6/30/04	8.00	Analysis of documents
TIME	Choate/JH0001	Christopher Fern	Analysis	7/1/04	8.00	Analysis of
TIME	Choate/JH0001	Christopher Fern	Analysis	7/2/04	4.00	Analysis of
TIME	Choate/JH0001	Christopher Fern	Review Documents	7/6/04	2.00	Index
TIME	Choate/JH0001	Christopher Sandman	Other	6/23/04	6.00	Researched compounds that were being developed by Abbott Labs.
TIME	Choate/JH0001	Christopher Sandman	Analysis	6/24/04	8.00	Analysis of funding agreement between Abbott and John Hancock and analysis of Abbott's yearly budgets.
TIME	Choate/JH0001	Christopher Sandman	Analysis	6/30/04	8.00	Analysis of documents in Chicago.
TIME	Choate/JH0001	Christopher Sandman	Analysis	7/1/04	8.00	Analysis of documents in Chicago.
TIME	Choate/JH0001	Christopher Sandman	Analysis	7/7/04	8.00	Analysis of documents in Chicago.
TIME	Choate/JH0001	Christopher Sandman	Analysis	7/8/04	8.00	Analysis of documents in Chicago.
TIME	Choate/JH0001	Christopher Sandman	Analysis	7/9/04	8.00	Analysis of documents in Chicago.
TIME	Choate/JH0001	Christopher Sandman	Analysis	7/19/04	4.00	Analysis of documents in Chicago.
TIME	Choate/JH0001	Christopher Sandman	Analysis	7/19/04	7.00	Analysis of documents in Chicago.
TIME	Choate/JH0001	Christopher Sandman	Analysis	7/20/04	6.00	Analysis of documents in Chicago.
TIME	Choate/JH0001	Christopher Sandman	Analysis	7/21/04	7.00	Analysis of documents from Chicago.
TIME	Choate/JH0001	Joshua Dennis	Analysis	1/27/05	3.00	Analysis of documents in preparation for next week in Chicago. Also, planned travel arrangements
TIME	Choate/JH0001	Joshua Dennis	Analysis	1/28/05	2.25	Analysis of documents in preparation for next week in Chicago. Also, planned travel arrangements
TIME	Choate/JH0001	Joshua Dennis	Other	3/1/05	1.25	Spoke with Mark Hair regarding the current situation w/ Abbott. Also, made travel plans and print/read relevant documents
TIME	Choate/JH0001	Joshua Dennis	Analysis	3/7/05	8.50	Flagged additional documents for copying and compared current boxes in warehouse to inventory list.
TIME	Choate/JH0001	Joshua Dennis	Analysis	3/8/05	8.50	Indexing of documents provided by Abbott
TIME	Choate/JH0001	Joshua Dennis	Analysis	3/9/05	8.50	Indexing of documents provided by Abbott
TIME	Choate/JH0001	Joshua Dennis	Analysis	3/10/05	4.50	Indexing of documents provided by Abbott
TIME	Choate/JH0001	Joshua Dennis	Analysis	3/15/05	8.25	Analysis and organization of documents received from JH
TIME	Choate/JH0001	Joshua Dennis	Analysis	3/16/05	8.75	Analysis and organization of documents relating to compounds ABT-518 and ABT-594
TIME	Choate/JH0001	Joshua Dennis	Analysis	3/17/05	9.00	Analysis and organization of documents relating to compounds ABT-518 and ABT-594
TIME	Choate/JH0001	Joshua Dennis	Analysis	3/18/05	9.50	Analysis and organization of documents relating to compounds ABT-518. Built relevant excel worksheets and summary
TIME	Choate/JH0001	Joshua Dennis	Analysis	3/19/05	6.50	Analysis and organization of documents relating to compounds ABT-518. Built relevant excel worksheets and summary
TIME	Choate/JH0001	Joshua Dennis	Review Documents	4/5/04	3.00	Review of
TIME	Choate/JH0001	Kyla Piercey	Review Documents	4/6/04	0.50	Review of
TIME	Choate/JH0001	Kyla Piercey	Review Documents	4/7/04	0.50	Review of
TIME	Choate/JH0001	Kyla Piercey	Review Documents	4/20/04	6.00	Review of Hancock documents at Choate offices and formatting
TIME	Choate/JH0001	Maria Shevchenko	Analysis	2/18/05	3.25	Analysis of
TIME	Choate/JH0001	Maria Shevchenko	Analysis	2/21/05	8.25	Analysis of
TIME	Choate/JH0001	Maria Shevchenko	Analysis	2/22/05	5.00	Analysis of documents.
TIME	Choate/JH0001	Maria Shevchenko	Analysis	2/22/05	3.00	Analysis of documents.
TIME	Choate/JH0001	Maria Shevchenko	Analysis	2/23/05	8.00	Analysis of documents.
TIME	Choate/JH0001	Maria Shevchenko	Analysis	3/1/05	9.50	Analysis of documents.
TIME	Choate/JH0001	Maria Shevchenko	Analysis	3/2/05	9.75	Analysis of documents.
TIME	Choate/JH0001	Maria Shevchenko	Analysis	3/17/05	6.50	Analysis of
TIME	Choate/JH0001	Maria Shevchenko	Analysis	3/18/05	4.50	Analysis of
TIME	Choate/JH0001	Maria Shevchenko	Analysis	3/22/05	1.00	Analysis of
TIME	Choate/JH0001	Mark Hair	Analysis	1/31/05	7.00	
TIME	Choate/JH0001	Mark Hair	Analysis	2/1/05	8.00	

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Transaction Type	Client	Timekeeper	Activity	Date	Time Spent	Description
TIME	Choate/JH0001	Mark Hair	Analysis	2/2/05	2.00	
TIME	Choate/JH0001	Mark Hair	Analysis	2/3/05	2.00	
TIME	Choate/JH0001	Mark Hair	Analysis	2/4/05	2.50	
TIME	Choate/JH0001	Mark Hair	Analysis	2/7/05	4.50	
TIME	Choate/JH0001	Mark Hair	Analysis	2/8/05	9.00	
TIME	Choate/JH0001	Mark Hair	Analysis	2/9/05	6.50	
TIME	Choate/JH0001	Mark Hair	Analysis	2/14/05	6.50	
TIME	Choate/JH0001	Mark Hair	Analysis	2/15/05	8.50	
TIME	Choate/JH0001	Mark Hair	Analysis	2/16/05	8.00	
TIME	Choate/JH0001	Mark Hair	Analysis	2/17/05	7.50	
TIME	Choate/JH0001	Mark Hair	Analysis	2/18/05	6.50	
TIME	Choate/JH0001	Mark Hair	Analysis	2/21/05	5.00	
TIME	Choate/JH0001	Mark Hair	Analysis	2/22/05	5.00	
TIME	Choate/JH0001	Mark Hair	Analysis	2/28/05	6.50	
TIME	Choate/JH0001	Mark Hair	Analysis	3/1/05	4.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/2/05	6.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/3/05	4.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/4/05	1.50	
TIME	Choate/JH0001	Mark Hair	Analysis	3/7/05	7.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/8/05	8.50	
TIME	Choate/JH0001	Mark Hair	Analysis	3/9/05	9.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/10/05	4.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/11/05	2.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/14/05	2.50	
TIME	Choate/JH0001	Mark Hair	Analysis	3/15/05	6.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/16/05	7.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/17/05	8.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/18/05	8.50	
TIME	Choate/JH0001	Mark Hair	Analysis	3/19/05	5.50	
TIME	Choate/JH0001	Mark Hair	Analysis	3/21/05	8.50	
TIME	Choate/JH0001	Mark Hair	Analysis	3/22/05	9.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/23/05	6.50	
TIME	Choate/JH0001	Mark Hair	Analysis	3/24/05	4.00	
TIME	Choate/JH0001	Mark Hair	Meeting	3/24/05	3.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/25/05	1.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/28/05	3.50	
TIME	Choate/JH0001	Mark Hair	Analysis	3/29/05	3.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/30/05	4.00	
TIME	Choate/JH0001	Mark Hair	Analysis	3/31/05	2.00	
TIME	Choate/JH0001	Mark Hair	Analysis	4/1/05	2.50	
TIME	Choate/JH0001	Mark Hair	Analysis	4/4/05	3.50	
TIME	Choate/JH0001	Mark Hair	Analysis	4/5/05	4.00	
TIME	Choate/JH0001	Mark Hair	Analysis	4/6/05	2.00	
TIME	Choate/JH0001	Mark Hair	Analysis	4/8/05	1.00	
TIME	Choate/JH0001	Mark Hair	Analysis	4/11/05	4.00	
TIME	Choate/JH0001	Mark Hair	Analysis	4/12/05	6.00	
TIME	Choate/JH0001	Mark Hair	Analysis	4/13/05	4.00	
TIME	Choate/JH0001	Mark Hair	Analysis	4/14/05	2.00	

TIME	Choate/JH0001	Neil Zoltowski	Other	9/2/04	1.00	Prep for trip to client site
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Transaction Type	Client	Timekeeper	Activity	Date	Time Spent	Description
TIME	Choate/JH0001	Neil Zoltowski	Review Documents	9/3/04	4.00	Review of documents at client site (Mundelein, IL)
TIME	Choate/JH0001	Shelly Irvine	Analysis	11/1/04	1.00	Analysis of
TIME	Choate/JH0001	Shelly Irvine	Analysis	11/2/04	4.50	doc review

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# **Martinez Deposition Exhibit 19**

## **D's Exhibit HR**

**John Hancock / Abbott****Summary of Available Monthly Project Status Reports  
As of 3/11/05\***

Compounds	2001												Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
ABT-773			x	x	x	x	x	x	x	x		x	9
ABT-627			x	x	x	x	x	x	x	x	x	x	10
ABT-594			x	x	x	x	x		x	x			7
ABT-492			x	x	x	x		x	x	x	x	x	9
ABT-510			x	x	x	x	x	x	x	x	x	x	10
ABT-518			x	x	x	x	x		x				6
ABT-751			x	x	x	x	x	x	x	x	x	x	10
ABT-100									x	x	x	x	4
ABT-724									x	x	x	x	4
Total	0	0	7	7	7	7	6	5	9	8	6	7	

Compounds	2002												Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
ABT-773	x	x	x		x	x		x		x			7
ABT-627	x	x	x		x	x		x	x	x			8
ABT-594													0
ABT-492	x	x	x		x	x		x	x	x			8
ABT-510	x	x	x		x	x		x	x	x			8
ABT-518													0
ABT-751	x	x	x		x	x		x	x	x			8
ABT-100	x	x											2
ABT-724	x	x	x		x	x		x	x	x			8
Total	7	7	6	0	6	6	0	6	5	6	0	0	

Compounds	2003												Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
ABT-773													0
ABT-627			x			x							2
ABT-594													0
ABT-492			x										1
ABT-510			x			x							2
ABT-518													0
ABT-751			x			x							2
ABT-100													0
ABT-724			x										1
Total	0	0	5	0	0	3	0	0	0	0	0	0	

Compounds	2004												Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
ABT-773													0
ABT-627													0
ABT-594													0
ABT-492													0
ABT-510													0
ABT-518													0
ABT-751													0
ABT-100													0
ABT-724													0
Total	0	0	0	0	0	0	0	0	0	0	0	0	

**NOTE:**

\* Responses based on index of Abbott documents and not based on actual documents received from documents as of 3/11/05

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John Hancock / Abbott

Summary of Available Monthly Highlights Interoffice Memos

Documents Received As of 3/18/05

2001												
Compounds	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Available						X	X	X	X	X	X	
ABT-773							X	X	X	X	X	
ABT-627						X	X	X	X	X	X	
ABT-594								X				
ABT-492						X		X	X	X	X	
ABT-510						X		X	X	X	X	
ABT-518												
ABT-751								X	X	X	X	
ABT-100									X	X		
ABT-724										X	X	
Total	0	0	0	0	0	3	2	5	7	7	6	0

2002													
Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
	X		X							X			
5	X		X										2
6	X									X			2
1													0
5			X							X			2
5	X		X							X			3
0													0
4	X		X							X			3
2			X										1
2	X		X							X			3
5 0 6 0 0 0 0 0 0 0 5 0 0													

2003												
Compounds	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Available												
ABT-773												
ABT-627												
ABT-594												
ABT-492												
ABT-510												
ABT-518												
ABT-751												
ABT-100												
ABT-724												
Total	0	0	0	0	0	0	0	0	0	0	0	0

2004													
Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
0													0
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# **Martinez Deposition Exhibit 20**

## **D's Exhibit HS**

**John Hancock**

**Abbott Compound Summary**

**Matrix Metalloproteinase Inhibitor (MMPI Program), ABT-518**

**Overview**

**REDACTED**

**3/13/01 Research Funding Agreement Highlights**



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## Document Summaries

### 1) Monthly Status Reports

<b>January</b>	NA
<b>February</b>	NA
<b>March</b>	"First patient enrolled on 3/12. Preliminary results from 6-week rat hepatotoxicity study on 3/31."
<b>April</b>	"First patient cohort (25 mg/d oral) completed enrollment 4/23" "PK method validation at Amsterdam site completed 4/25. RQA site audit completed 5/4." <b>*** Received in box 17 – not included in binders ***</b>
<b>May</b>	"Decision taken to discontinue Abbott development of ABT-518 due to prioritization." "Collaboration or out-license opportunity will be pursued pending favorable safety and PK review of existing patient data" <b>*** Received in box 17 – not included in binders ***</b>
<b>June</b>	"Program discontinued with wrap-up activities ongoing."
<b>July</b>	"Wrap-up activities continue with two ongoing patients at 50 mg/day."
<b>August</b>	NA
<b>September</b>	"Last patient discontinued 8/20. Met with NCI Division of Cancer Prevention on 8/29 to discuss interest in ABT-518"
<b>October</b>	NA
<b>November</b>	NA
<b>December</b>	NA

### 2) 2001 Plan Review, Portfolio Analysis of Blue Plan Prioritization Options, February 15, 2001.

- Highly redacted report
- Last page (report is not numbered) reports the spending plan for ABT-518 of \$7.4M. The 3/13/01 First Annual Research Plan in Exhibit 1.6 is \$7.0 M.

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3) Portfolio Analysis of 2001 Abbott Global Pharmaceutical Development Assets, April 20, 2001.

**REDACTED**

- Highly redacted report
- Pages 17-19 report expected values of compounds
- Pages 22-23 report expected commercial values for compounds
- Page 41, reports under one scenario (#2?), ABT-518 would be unfunded
- Page 49, reports under scenario #3, ABT-518 would be funded
- Page 54, "2001-2002 R&D Costs for John Hancock Compounds".
  - 2002 "Nominal" and "Expected" costs
- Page 55, ABT-518
- Page 58, ABT-518
- Page 62, "Abbott programs in blue, Knoll programs in red"
- Page 68, ABT-518
- Page 83, ABT-518
- Page 88, ABT-518

4) Portfolio Analysis of 2001 Abbott Global Pharmaceutical Development Assets, 7/3/01 Update.

- Highly redacted report
- Page 17, reports expected commercial value and expected value by source
- Pages 19-20, reports program expected commercial value by current phase
- Page 27, reports program expected value realized by source and phase

5) Portfolio Analysis Overview: Abbott 2002 Pharmaceutical Budget Prioritization, October 8, 2001, Portfolio analysis and Decision Support Groups.

- Page 3, "ABT-518... Removed Since 7/01"

6) Abbott Pharmaceutical Portfolio Analysis Overview, November, 2001.

- [Update]

7) Base, Upside, Low

Available reports have footnotes with file names that reference the following dates:

- February 2001
- April 2001 PA
- 2001 April
- July 2001 PA
- 2001 July

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Highlights

- "Success Probabilities" for launch:
  - 14% - Feb 2001
  - 13% - Apr 2001 & April 2001 PA
  - 13% - July 2001 & July 2001 PA
- See Excel analysis file summarizing results (JH - Document Analysis v4.xls)
- 
- 
- In shaded area there is a line for "Exp R&D Cost" with annual amounts.

8) Pharmaceutical Products Division, Sample Direct/Indirect Project Funding Distribution, 2001 Plan (\$000).

- This schedule/report appears to only be available for ABT-773 and MMPI (Early Stage) ABT-518
- Total plan spending of \$7.1M for 2001 approximates the First Annual Research Plan at 3/13/01 for \$7.0 M for 2001.
- Detailed reports available for **June, August, September, October, November, December.** (Other reports for March?, April?, May? Are in box 17)
  -

9) Phase Balanced Productivity Approach - Phase IV - \$0 (old Pls).xls.

- Highly redacted schedule
- 
- Other metrics are similar to metrics in the Base, Upside, Low reports for the February 2001 timeframe
- Planned spending of \$7.4 is not significantly different from the First Annual Research Plan at 3/13/2001 for \$7.0 M for 2001.
  - The \$7.4 M appears in other reports as well.

10) 2/BB - #39

- Highly redacted document
- Financial information is redacted for months prior to March 2001

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11) PEC Meeting (Dry Run and 10/08/01)

- Page 3, ABT-518 is identified as "T" for terminated

**REDACTED**

12) NME In Development, May 2003.

- Highly redacted report
- Phase I appears to be the last development phase. No indication that ABT-518 development entered Phase II.

13) Global Pharmaceutical Research & Development, Summary of R&D Projects, 2001 April Update.

- Page 2, provides a summary of ABT-518. 2001 Plan approximates First Annual Research Plan as of 3/13/2001.
- Page 6
  - 2001 Plan of \$7.1 M is consistent with other documents and the 3/13/2001 First Annual Research Funding Agreement
  - Identifies Perry Nisen as project leader
  - Provides additional detail for plan spending
- 2<sup>nd</sup> Page following yellow page divider, no title on spreadsheet.
  - Column heading "2002 Costs, Nominal, Expected"
  - Nominal costs for 2002: \$38.1M
  - Expected costs for 2002: \$28.6M

2001 FTE and Direct\$ Activity Resources for Current Funded Abbott Projects included in Portfolio Analysis

- Pages 7-9, reports certain direct costs for ABT-518

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# **Martinez Deposition Exhibit 21**

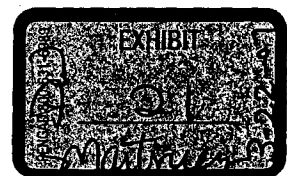
**D's Exhibit HT**

**John Hancock**  
**Abbott Compound Summary**  
**Cholinergic Channel Modulator (ABT-594)**

**Overview**

**REDACTED**

**3/13/01 Research Funding Agreement Highlights**



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**JHI 021612**

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## Document Summaries

### 1) Monthly Status Reports

<b>January</b>	NA
<b>February</b>	NA
<b>March</b>	<p><i>Monthly Highlights:</i> "All case Report Forms were in-house March 15 for M99-114 Painful Diabetic Neuropathy Phase II b study, 8 days ahead of schedule"</p> <p><i>Key Progress Marker:</i> "Break blind on M99-114 Painful Diabetic Neuropathy Phase II b study, target date, 04/30" "Go / No Go target for program, target date 06/30"</p>
<b>April</b>	[Box 17]
<b>May</b>	<p><i>Monthly Highlights:</i> [Blank] – No monthly highlights in report.</p> <p><i>Key Progress Marker:</i> "Executive Committee review / G0 – No Go target for program, target date 07/11"</p>
<b>June</b>	<p><i>Monthly Highlights:</i> "Protocol completed for Rate of Rise Study"</p> <p><i>Key Progress Marker:</i> "Executive Committee review / Go – No Go target for program, target date 08/15"</p>
<b>July</b>	<p><i>Monthly Highlights:</i> "Maintenance activities only – Program is on hold pending Global Pharmaceutical Executive Committee meeting in August"</p> <p><i>Key Progress Marker:</i> "Executive Committee review / Go – No Go target for program, target date 08/21"</p>
<b>August</b>	<p><i>Monthly Highlights:</i> "Global Pharmaceutical Executive Committee review moved out to September" "Maintenance activities only – Program is on hold pending Global Pharmaceutical Executive Committee meeting in September"</p> <p><i>Key Progress Marker:</i> "Executive Committee review / Go – No Go target for program, target date 09/10"</p>
<b>September</b>	<p><i>Monthly Highlights:</i> "Program presented to the Global Pharmaceutical Executive Committee – modified strategy is in development"</p> <p><i>Key Progress Marker:</i> "Funding decision for the Phase IIb "intermediate" dose level trial, target date 10/08" "Initiate manufacture scheduling of clinical supplies, target date</p>

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	10/31"
<b>October</b>	<i>Monthly Highlights:</i> "Program is not funded for 2002 – Outlicensing activities initiated."  <i>Key Progress Markers:</i> [Blank]
<b>November</b>	NA
<b>December</b>	NA

- The March 2001 summary states that the "Go / No Go target for program" is projected for 06/30. The Go – No Go decision is delayed in May, June, July, and August.
- 

There is an August 21, 2001 Pharma Executive Management Committee Review presentation (see item #6 below)

- 
- The October monthly status report indicates that the program is not funded
- It appears that the Executive Committee meeting was postponed from June to August or September.
- 

2) Analgesia Venture, 2001 Plan, Final Plan Package (date ?)

- Highly redacted report
- 
- Page 2, footer indicates the name of the Excel file
- Page 2, reflects an annual cost plan for 2001 of \$9.3 M and \$11.9 M unfunded. The 3/13/01 First Annual Funding Plan indicated that the 2001 plan was \$35 M.
- Page 3, "2001 Target" = \$9,300K, "2001 Plan" = \$9,307 K,
- Page with title, "Blue Plan Summaries" appears to provide detail for the \$11.9 M

3) 2001 Plan Review, Portfolio Analysis of Blue Plan Prioritization Options, February 15, 2001.

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- 
- Page 9, with heading, "Phase Balanced Optimization – 100% Development / 0% Phase IV", reports a "Blue Plan Funding" of \$11.1 M. This amount appears to be somewhat consistent with the "blue plan" cost projections of \$11.9 as provided in the Analgesia Venture 2001 Plan (see #1 above)
- Page 19, indicates the planned spending of the \$11.1 would be in Q3 – after the anticipated June 2001 Go – No Go decision.
- [Blue Plan may represent cost estimates following milestones or Go – No Go decisions]
- Page 20, "Blue Plan Scenario 2" provides a matrix with two scenarios for ABT-594; whether it enters Phase III or not.
- Page 29, again states that ABT-594 plan funding for 2001 is \$9.3 M.

# REDACTED

#### 4) Portfolio Analysis of 2001 Abbott Global Pharmaceutical Development Assets, April 20, 2001.

- Pages 17-19, graphs show expected value and expected commercial value of 594
- Pages 22-23, additional graphs of expected value
- Page 54, "2001-2002 R&D Costs for John Hancock Compounds".
  - 2002 "Nominal" and "Expected" costs –
- Page 84, "Pain"
  - Graph of probability of success and expected NPV for both ABT-594 CPP and ABT-594 Neuro Pain.
  - Probability of success for ABT-594 CPP is approx. 15%
  - Probability of success for ABT-594 Neuro is approx. 33%
- Page 89, "Phase II Projects"
  - Graph of "probability to launch" and "Expected Commercial Value"

#### 5) Portfolio Analysis of 2001 Abbott Global Pharmaceutical Development Assets, 7/3/01 Update

- Highly redacted
- Page 13, "ABT-594 (revised forecast and probability) (0.5)".
- Page 17, graph shows ABT-594 with minimal Expected Value (in comparison to the values for other compounds)

#### 6) ABT-594, Pharma Executive Management Committee Review, August 21, 2001

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- Page 3, "ABT-594 has a narrow therapeutic window and efficacious doses are poorly tolerated as dosed currently. Modifications to drug administration have the potential to improve tolerability."
- Page 4, "Dosages that provide meaningful acute relief of pain are not well tolerated"
- Page 7, Tolerability & Safety
  - "Significant Discontinuation Rate: 66% due to AE [adverse event] at 300 mcg BID"
- Page 14, table disclosing Adverse Events (AE) and Total Discontinuation (in percentages) for M99-114
  - 150 mcg – 28% discontinued due to AE
  - 225 mcg – 46% discontinued due to AE
  - 300 mcg – 66% discontinued due to AE
- Page 24, "ABT-594, as administered without additional improvements in tolerability, has a narrow therapeutic window"
- Page 25, ABT-594 options outlined

7) ABT-594, PEC Review Book: Proposal for additional study and background (Nonstandard format), September 27, 2001

- Page 2, Tolerability, "150-300 mcg BID tolerability is unacceptable"
- Page 6, discussion of possible timeline assuming "most of funding starting Jan 2002"
- Pages 12-31 appear to provide similar/same information as the ABT-594 Pharma Executive management committee Review, August 21, 2001 (see item #6 above)

8) Portfolio Analysis Overview: Abbott 2002 Pharmaceutical Budget Prioritization, October 8, 2001

- Highly redacted report
- Page 13, expected value and expected commercial value presented
- Page 14, ABT-594 is listed in the "Strategic Discussion" section of the table
  - Note: ABT-724 and ABT-100 are also included with compounds that are "strategic discussion"
- Page 20, ABT-594 is listed in the "Strategic Discussion" section of the table

9) Abbott Pharmaceutical Portfolio Analysis Overview, November 2001

- Pages 14-15, 20, graphs of expected value and expected commercial value
- Page 42, productivity curve, phase II compounds

10a) Annual IND Report (12192000, Volume 1 of 1), Oct 29, 1999 – Oct 28, 2000

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- Report is signed and approved by Marilyn Collicott, Abbott Clinical Project Manager, Bruce McCarthy, Medical Director, and Christopher Silber, Venture Head on 12/19/00.
- Page 8, Phase II study (M99-114) was started in 4/00 with an anticipated completion date of 3/01. As of 10/28/00, there were 69 "subjects entered" into the study with 30 "premature terminations", approx. 43%.
- Page 9, Table 2. Summary of Serious Adverse Events
- Page 45, "General Investigational Plan" (page 45), the report states,  
"Based on information collected from the above mentioned Phase I and II studies, the general investigational plan for ABT-594 for the period October 28, 2001 allows for the continued assessment of tolerability of higher doses and additional Phase II studies of ABT-594. The plan is outlined in Table 7 below:

Table 7. Planned Clinical Studies				
Study Number	Study Type	Phase	Planned Number of Subjects	Estimated Start Date
M99-115	Osteoarthritis Pain	II	575	4/01
N/A	fMRI	I	12	8/01

10b) A-16594, Annual IND Report (12062001), Volume 1 of 1, Oct 29, 2000 – Oct 28, 2001.

- Signed and approved by Marilyn Collicott, Abbott Clinical Project Manager, and Bruce McCarthy, Medical Director on 12/06/01.
- Page 1, reports that "A single ABT-594 clinical study was completed during this reporting period",

# REDACTED

- Page 4, A summary table of "Disposition of Subjects" for Phase II Study, Protocol M99-114 includes the following:

	Treatment Group n (%)			
	ABT-594			
	Placebo	150 mg BID	225 mg BID	300 mg BID
Number of Subjects Planned	80	80	80	80
All Treated Subjects	65	65	69	67
Completed Study	51 (78%)	40 (62%)	30 (43%)	17 (25%)
Prematurely Discontinued *	14 (22%)	25 (38%)	39 (57%)	50 (75%)
a Subjects may have reported more than 1 reason for premature discontinuation, but were counted only once in the total.				

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- Page 27, "General Investigational Plan" section states:
  - "The clinical development plan for ABT-594 has been discontinued. No further studies are planned."
- Page 31, there is a reference in the footer to what appears to be a network drive:
  - "D461\\r:\msword\analgesia\abt594\annual reports\2001 annual report.doc"

#### 11) Various Spreadsheets

- Reports for June, August, September, October, November, December 2001
- No "lead sheet" that summarizes 2001 plan by activities/categories (see ABT-518 binder)

#### 12) Base, Upside, Low Spreadsheets

Available reports have footnotes with file names that reference the following dates:

- February 2001
- 2001 April
- April 2001 PA
- July 2001 PA
- 2001 July
- October 2001

**REDACTED**

#### Highlights

- "Success Probabilities" for launch:
  - 32% - Feb 2001
  - 15% - Apr 2001
  - 15% - July 2001
  - 23% - October 2001
- See Excel analysis file summarizing results (JH – Document Analysis v4.xls)
- Significant changes in expected valuation (EV) and projected R&D costs between February, April, and July.
- In shaded area there is a line for "Exp R&D Cost" with annual amounts.

#### 13) GPRD 2001 APU, Development Programs (\$ Millions)

- Highly redacted report(s)
- First page, 2002 Costs "Nominal" and "Expected"
- Page 2, 2001 Plan for ABT-594 is \$9.3 M
  - Several documents report the 2001 plan spending of \$9.3
- Following Yellow Page: Redacted page with Questions and Answers
  - Question: ABT-594 for Drug Safety Support and Phase I studies: put on hold until we make go/no-go decision.

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- Answer: John Leonard follow up not available
- Page ?, heading, "Global Pharmaceutical Research & Development 2001 Key Plus/(Minus) Risks, 2001 April Udate (\$MM)"
  - ABT-594 (formerly CCM), Milestone Funding
    - Go/No Go decision is scheduled for May/June 2001. If the decision to continue development is made, additional funding will be needed to continue the program. Probability = "medium"
    - File name of excel spreadsheet is provided at bottom of page
- Page ?, heading, "Global Pharmaceutical Research & Development, Summary of R&D Projects, 2001 April Update"
  - Cost thru 2000 = \$62.2
  - 2001 Plan = \$9.3 (significantly lower than First Annual Funding Plan)
  - 2001 APU = \$9.3
  - Cost Until NDA = \$71.0
- \*\*\* No indication that the Plan for 2001 was \$35 M \*\*\*

**REDACTED**14) Various Spreadsheets – No Headings15) Various Spreadsheets – No Headings

- Highly redacted
- Page 2, 2001 Plan \$9.3 M for ABT-594 Neuro Pain and \$0 for ABT-594 Chronic Persistent Pain.
- \_\_\_\_\_

16) GPRD, 2001 Actuals, project Budget Summary (\$MM)

- ABT-594 is blank, redacted?
- File name printed at bottom of page

17) Grant Summaries

- Highly redacted reports
- Pages 1-2, total plan for 2001 of \$9.3M

18) Various highly redacted documents – presented as examples of types of reports

19) Various highly redacted documents – presented as examples of types of reports

20) Various highly redacted documents – presented as examples of types of reports

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# **Martinez Deposition Exhibit 22**

**D's Exhibit HU**

**John Hancock**  
**Abbott Compound Summary**  
**Cholinergic Channel Modulator (ABT-594)**

**REDACTED**

**2000**

A-16594, Annual IND Report (12192000), Volume 1 of 1, for the reporting period October 29, 1999 to **October 28, 2000**, was signed and approved by Marilyn Collicott, Abbott Clinical Project Manager, Bruce McCarthy, Medical Director, and Christopher Silber, Venture Head on 12/19/00. The report is a 50-page document that summarizes the investigational new drug (IND), status and results of clinical studies, and planned studies.

Two Phase I clinical studies were completed during the reporting period: 1) M99-076 was started in 8/99 and completed in 11/99 with a final study report still pending, and 2) M99-120 was started in 11/99 and completed on 12/99.

One Phase II study (M99-114) was started in 4/00 with an anticipated completion date of 3/01. As of 10/28/00, there were 69 "subjects entered" into the study with 30 "premature terminations", approx. 43% (page 8).

One reference for the Phase II study is as follows: "Program Source Code: /thomasj/ABT-594/IND\_UPDATE/DEC2000/TABLES/phase2\_aes.sas".



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Under section, "General Investigational Plan" (page 45), the report states,

"Based on information collected from the above mentioned Phase I and II studies, the general investigational plan for ABT-594 for the period October 28, 2001 allows for the continued assessment of tolerability of higher doses and additional Phase II studies of ABT-594. The plan is outlined in Table 7 below:

Table 7. Planned Clinical Studies				
Study Number	Study Type	Phase	Planned Number of Subjects	Estimated Start Date
M99-115	Osteoarthritis Pain	II	575	4/01
N/A	fMRI	I	12	8/01

**REDACTED**

A spreadsheet, "Cholinergic Channel Modulator (ABT-594), 2000 AGU Development Cost Summary" shows that Phase II was anticipated to be completed by the end of 2Q2001 with Phase III starting in 3Q2001 and NDA Filing in 2Q2003. 2000 APU costs were \$14.992 million and 2000 AGU costs were \$14.4 million.

A spreadsheet, "Key Unfunded Projects, PPD R&D, 2000 August Update" shows 2000 APU costs of \$10.1 million and 2000 AGU costs of \$8.0 million.

## 2001

Exhibit 1.40 to the 3/13/01, Research Funding Agreement, identifies ABT-594 (Cholinergic channel modulator) in "late phase II" of development.

Exhibit 1.6, 3/13/01, First Annual Research Plan, provides the following cost projections:

2001	2002	2003	2004	2005	Total
\$35.0M	\$45.0M	\$32.0M	\$15.0M	\$12.0M	\$139.0M

Program status and projected timelines included in Exhibit 1.6:

Phase I: 3Q1997 thru 4Q2002 (22 Qtrs)  
Phase II: 3Q1998 thru 3Q2001 (13 Qtrs)  
Phase III: 4Q2001 thru 4Q2003 (9 Qtrs)  
NDA: 3Q2003  
Launch: 3Q2004

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Exhibit 12.2(i), Compound Reports, ABT-594 Descriptive Memorandum, dated February 2001, states:

The IND filing of ABT-594 was in December 1998. A Phase IIb (dose ranging) trial began April 2000 in diabetic neuropathic pain. A Go/No Go decision for clinical efficacy is expected June 2001. (page 2)

A phase IIb study for neuropathic pain at higher, titrated doses of ABT-594 began in April 2000 and ends in June 2001. A total of 320 patients are anticipated to be included in the study. (page 7)

A report, "Global pharmaceutical Research & Development, 2001 April Update, Discovery Commentary" states, "NNRs: Project is selecting a DDC candidate(s) as an ABT-594 follow-on (with NeuroSearch)". At the bottom of one of the pages states:

DDC's	Timing	Probability
1) NNR ABT-594 follow-on (pain)	4Q01	50%

A spreadsheet, "GPRD, 2001 Actuals, Project Budget Summary, (\$MM)" provides 2001 APU (6/22/01) amounts, Blue Plan (8/1/01) amounts, and Rebaseline Adjustments.

An August 21, 2001, report, "ABT-594, Pharma Executive Management, Committee Review" provides a development update by Bruce McCarthy, a DSG Analysis by Steve Kuemmerle and Liz Kowaluk, and a presentation on NNR Follow-ons by Michael Meyer. In the "conclusions" section of the document, it states:

- ABT-594 significantly reduces diabetic neuropathic pain

- ABT-594, as administered without additional improvements in tolerability, has a narrow therapeutic window
- Future subtype selective NNRs for pain may provide meaningful pain relief across all pain types with an acceptable therapeutic window (page 24)

ABT-594 Options

- A: Attempt tolerability improvement with ABT-594
  - o Explore more prolonged titration
  - o Co-administer anti-emetic
  - o Protocol Ready
    - 7, 11, 24 day titrations
    - Co-administered anti-emetic during titration
    - Detailed assessments of adverse events
    - \$2.1 MM fully burdened
- B: No additional experiments with ABT-594
- Subtype selective NNR for pain back-up (page 25)

**REDACTED**

A-16594, Annual IND Report (12062001), Volume 1 of 1, for the reporting period October 29, 2000 to October 28, 2001, was signed and approved by Marilyn Collicott, Abbott Clinical Project Manager, and Bruce McCarthy, Medical Director on 12/06/01. The report is a 31-page document that summarizes the investigational new drug (IND), status and results of clinical studies, and planned studies.

The document reports that "A single ABT-594 clinical study was completed during this reporting period",

Under section, "Individual Study Information, Phase I Studies", it states:

There were no ongoing Phase I studies during this reporting timeframe. Studies M99-076 and M99-120 were completed and reported in the previous annual report (reporting period October 29, 1999 – October 28, 2000), however, the final study reports are still pending.

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A summary table of "Disposition of Subjects" for Phase II Study, Protocol M99-114 (page 4) includes the following:

	Treatment Group n (%)			
	Placebo	ABT-594		
		150 mg BID	225 mg BID	300 mg BID
Number of Subjects Planned	80	80	80	80
All Treated Subjects	65	65	69	67
Completed Study	51 (78%)	40 (62%)	30 (43%)	17 (25%)
Prematurely Discontinued <sup>a</sup>	14 (22%)	25 (38%)	39 (57%)	50 (75%)
a Subjects may have reported more than 1 reason for premature discontinuation, but were counted only once in the total.				

**REDACTED**

The "General Investigational Plan" section of the October 28, 2001 IND Annual Report (page 27) states:

The clinical development plan for ABT-594 has been discontinued. No further studies are planned.

On page 31, there is a reference in the footer to what appears to be a network drive:

"D461\\r:\msword\analgesia\abt594\annual reports\2001 annual report.doc"

A **November 2, 2001** letter from Tom Lyons, Abbott Laboratories Global Pharmaceutical R&D Controller, to Steve Blewitt, John Hancock Life Insurance Company includes a schedule, "John Hancock Portfolio Summary, R&D Costs and Development Timelines, 2002 Plan". The schedule provides 2002 Plan costs for ABT-594 of "..." and a timeline for 2002 Plan of "N/A".

A letter from Tom Lyons, dated **December 18, 2001**, provides an "Annual Progress Report"<sup>An</sup> attached spreadsheet, "Abbott/John Hancock Funding Collaboration, 2001 Y/E Estimate for JH Development Portfolio (\$MM)" reports actual spending for ABT-594 through October 2001 of \$6.8 million, with \$1.0 million planned for November and December 2001 for a total projected Y/E amount of \$8.9 million. In a comment field it states, "Program Terminated". (JH001068)

# REDACTED

## 2002

A report, "April 2002, Center for Clinical Assessment Project Status Report" summarizes major areas of activity and associated costs for several compounds. It appears that ABT-594 had \$50K of costs in June (2002) with year-to-date costs of \$152K and a 12-month plan of \$627K.

Three spreadsheets with the same title, "2002 Plan "Other" R&D" include line items for ABT-594. Each spreadsheet shows different values for the "total update", and include: "25", "61", and the third spreadsheet appears to be redacted.

A **December 20, 2002** letter from Tom Lyons (JH001054) provides (i) an "Annual Progress Report (November 2002)" for all current compounds – there are no comments for ABT-594 (JH001055-56), (ii) a "2002 Y/E Estimate for JH Development Portfolio" that shows \$1.4 million of costs for ABT-594 during 2002 (JH001057), and (iii) an "R&D Costs and Development Timeline 2003 Plan" that includes projected costs as well as a timeline of projected launch dates (JH001058).

**2003**

A spreadsheet report, "NME In Development, May 2003" includes the following information for ABT-594:

Category	Metric	ABT 594 CCM
Thraeueutic Area		Neuroscience
	Product Pipeline Status	Terminated Jun-01
Dates	DDC Meeting	Dec-96
	Start of first GLP animal tox study	Mar-97
	First Dose in Human (beg of Phase I)	Jul-97
	First Dose in Patient (beg of Phase II)	Jul-98
	First Dose in Phase III	NA
	Last Patient Visit	NA
	FDA Filing	NA
	EMEA	NA

Additional rows are included in the spreadsheet related to time, costs, regulatory, manufacturing and other. Several rows are blank for this compound. This report provides information for all nine compounds: 510, 627, 751, 492, 773, 594, 100, 518 & 724.

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A spreadsheet report, "Historical NMEs, May 2003" provides similar information as the above spreadsheet, "NME In Development, May 2003".

# **Martinez Deposition Exhibit 23**

**D's Exhibit HV**

**John Hancock  
Abbott Compound Summary  
Dopamine Receptor Agonist Program (ABT-724)**

**REDACTED**

**2000**

Project-to-date-spending thru 2000: \$35.0 Million (per 3/13/2001 Annual Development Plan, Exhibit 1.6).

**2001**

At the time of the signing of the Research Funding Agreement, 3/13/2001, the compound was identified as "ED Program" or "Dopamine Receptor Agonist" and in the pre-clinical program phase. The compound was later referred to as ABT-724.



Exhibit 1.6, 3/13/01, First Annual Research Plan, provides the following projections for spending by year:

A report, "GPRD, 2001 Actual, Project Budget Summary, (\$MM)" reports "2001 APU (6/22/01)" spending for AB-724 as "---" for GPRD Gross and "---" for PPD's Share. A "Blue Plan (8/1/01)" reports GPRD Gross of 0.6 and PPD's share of 0.4. The 0.6 is consistent with the 2001 spending projections in the First Annual Research Plan, Exhibit 1.6 to the Research Funding Agreement.

A report, "Global Pharmaceutical Research & Development, Post-Corporate Review, Project Targets (\$000's)" appears to be drafted sometime in 2001. The report provides what appears to be spending projections for 2001 and "\*\*Post-Corporate Review Update (2)". Amounts approximate the November 26, 2001 projections for 2001. ABT-724 is identified on the spreadsheet with no visible amounts (redacted?). The report has a footnote, "\*\*Project target per AMARE/Oracle budget except as noted".

A **November 26, 2001** letter from Tom Lyons, Abbott Global Pharmaceutical R&D Controller, pushes back the projected launch date of ABT-724 from 4Q2007 to 3Q2008 and provides the following comments:

"ABT-724 is a recently approved DDC [Drug Development Candidate]. In the original deal model, assumptions for ABT-100 were used as the benchmark for all pre-DDC assets. 2002 Plan reflects ABT-724 specific data rather than generic modeling assumptions." (JH000841)

Also included in the **November 26, 2001** letter is an updated Annual Development Plan that identifies program spending by compound by year (JH000854):

	2001	2002	2003	2004	2005	Total
(Original)	\$6.0M	\$15.0M	\$30.0M	\$30.0M	\$18.0M	\$99.0M
Updated	\$0.6M	\$5.9M	\$7.4M	\$31.8M	\$50.6M	\$96.3M

A letter from Tom Lyons, dated **December 18, 2001**, provides an "Annual Progress Report":

"ABT-724 was presented and approved as a Drug Development Candidate (DDC) in July 2001. Work has since commenced on the manufacture of the bulk active pharmaceutical ingredient to support process chemistry analysis, as well as to provide material for initial toxicology studies and formulation development. In addition, work has been completed on pre-clinical pharmacokinetics that allows for predicting dose ranges for the first-in-human study. The 2002 Plan includes conducting both pre-clinical toxicology and metabolism studies, as well as initiating the first-in-human study for the 3<sup>rd</sup> quarter."

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## 2002

A document, "Global Pharmaceutical Research and Development, 2002 Update, Project Review (3/19/02) Meeting Action Items, (\$000's)" appears to provide a reduction of \$1.29M of costs for ABT-724 during 2002. Abbott contacts responsible for reductions include B. Harris and K. Kerls.

A document, "Global Pharmaceutical Research and Development, 2002 Update, Project Review (3/19/02), Proposed Agenda" shows an anticipated 20 minute discussion on ABT-724, the Therapeutic VP/Director was Marleen Verlinden, and Lead participants for the meeting included Bob Harris (Ventures) and Karen Kerls (Finance).

A document, "Global Pharmaceutical Research and Development, 2002 Update, Development Programs Summary (Excluding Phase IV), (\$MM)" reflects three different 2002 spending projections for 2002: the original 2002 plan of \$5.9M, a 2002 update of \$9.1M, and a "revised 2002 update" of \$7.8M. The difference between the 2002 Update spending plan and the Revised 2002 Update is the \$1.29M spending reduction (see 3/19/02 document above).

A document that appears to be a powerpoint presentation, "GPRD NCE Projected Phase and Filing Timelines as of April 2002", provides timelines (beginning with 1Q2002) for ABT-492, 773, 100, 510, 627 (Atrasentan), and 751, but does not include a timeline for ABT-724.

A graph, "GPRD Funded Projects for April 2002" identifies ABT-724 as one of seven preclinical compounds/projects.

A document, "GPCD Monthly Highlights, April 2002" provides a brief summary of ABT-724: "provided ADME/PK sections for the clinical brochure to the Venture.

A spreadsheet, "ABT-724 Dopamine D4 Agonist" as of April 2002, provides a comprehensive summary of the drug, market, development plans and timeline, and commercial analysis. The document includes annual spending projections that are equal to the year-end 2001 projects (2002 = \$5.9, 2003 = \$7.4, 2004 = \$31.8, 2005 = \$50.6, 2006 = \$48.1). Anticipated launch date of 2009. A second page of the document provides a timeline for R&D of ABT-724.

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A spreadsheet, "Pharmaceutical Research and Development, 2002 Update, Development Programs Summary, (\$MM)" provides an update (increase) to the 2002 spending plan "as of 5/6/02". The 2002 plan is increased from \$5.9M to \$7.8M.

A spreadsheet entitled, "ABT-724 2002 Update Development Cost Summary – Funded Program", appears to have been prepared by Abbott prior to July 2002 and possibly on **May 21, 2002** (at the bottom of the spreadsheet it states "Corp. Sub 5/21") a "Program Status" is provided:

Development Plan completed December '01  
 FIM Study scheduled for July '02 – Examine PK/tolerability of SL/Oral dosing  
 Liquid formulation established for FIM. Dose range 0.1 mg – 10.0 mg  
 Tox studies on target – no issues  
 Advisory Meeting to be held in September '02  
 Proof of Concept Study in patients mild to moderate ED – March '03  
 Go / No go decision transition to Phase II: December '03

Program status and projected timelines are updated/delayed from original estimates provided in Exhibit 1.6:

	<i>Original (3/13/2001)</i>	<i>Revised</i>
Phase I	2Q2002 thru 4Q2003 (7 Qtrs)	3Q2002 – 4Q2003 (6 Qtrs)
Phase II	4Q2003 thru 1Q2005 (6 Qtrs)	1Q2004 – 3Q2005 (7 Qtrs)
Phase III	1Q2005 thru 4Q2006 (8 Qtrs)	4Q2005 – 4Q2007 (9 Qtrs)
NDA	1Q2007	4Q2007
Launch	4Q2007	

An "Interoffice Correspondence" on **June 17, 2002** from Rich Pinto to F. Richter, E. Shek, T. Lyons, K. Stiles, K. Kerls, T. Woidat is highly redacted. On page three, ABT-724 is shown by a "(0.14)".

A spreadsheet, "Global Pharmaceutical Research and Development, 2002 Update, Final Project Targets (reflective of 8/02 PEC Funding Reprioritization), (\$000's)" refers to a "PEC Funding Reprioritization – 7/2/2002" meeting and provides "Revised LBE" for several compounds including ABT-724, of \$7.344M.

A spreadsheet, "GPRD, 2002 Plan Rollforward Changes, Development Projects" reflects a "development projects" change for ABT of (0.1) due to "Lower Phase I Center LU". A reference on the bottom of the page is to "10/8/01 PEC book submission".

A spreadsheet, "Global Pharmaceutical Research and Development, Budget Comparisons, 2002 Plan" provides amounts for four sources for various compounds. The four sources are: Page 100 Summary, Devel. Cost Summary, Power Pt. R&D by Year. and Power Pt. R&D Detail.

A spreadsheet, "Global Pharmaceutical Research and Development, 2002 Update, Project Targets, (\$000's)" provides an update to ABT-724 of \$7.344M.

A spreadsheet, "Pharmaceutical Products Research & Development, 2002 Plans, (\$Millions)" reports ABT-724 to be "5.9".

A spreadsheet, "Global Pharmaceutical Research and Development, 2002 Update, Project Targets, (\$000's)" reports and update to the ABT-724 2002 plan from \$5.9M to \$7.344 million.

A spreadsheet, "Global Pharmaceutical Research & Development, 2002 update, Development ? M P D Program Budget Summary, (\$MM)" provides an update to project spending for ABT-724 of 7.8[M] and identifies Bob Harris as having responsibility for development.

September 27-28, 2002, an ABT-724 "Advisory Board Meeting" was held at Sofitel Chicago Water Tower, Chicago, Illinois. Three volumes of meeting minutes are provided for Day 1, Parts A & B, and Day 2.

*Day 1, Part A (133 pages)*

Introduction of attendees, including independent experts and Abbott personnel. Jeff Leiden, Abbott COO "responsible for anything R&D that happens in Abbott" attended the meeting. Other Abbott notables include Dr. John Leonard, MD, VP "responsible for the development of a whole array of therapeutic areas" and Dr. Jim Sullivan, VP of Discovery Research. First several pages include a technical presentation and discussion on the biology of ED (erectile dysfunction) and prior studies and experiences with apomorphine and Uprima to treat ED. ABT-724 is discussed on pages 58 – 106, including the hypothesis that the compound provides similar efficacy as apomorphine and Uprima but without the side effects. Discussions include the efficacy of ABT-724, the results from tests with rats and the desire to begin human testing. Pages 106 – 133 provide global statistics for ED and related medical conditions.

*Day 1, Part B (112 pages)*

Pages 1-76 consist of discussions about the market needs, comparisons to current drugs (Viagra, Cialis, etc.), market positioning, FDA approval process, drug response times, clinical drop-out rates, daily dosing for clinical trials, Uprima clinical tests and sales in Europe. Pages 77-112 includes a presentation and technical discussions related to the heart, coronary circulations, drug combinations, safety issues, etc.

*Day 2 (129 pages)*

Pages 1-64 discuss market positioning, competitor drugs, debates the need for another ED drug, lengthy discussions on efficacy of Viagra (used as a benchmark for discussions) and its market positioning, clinical trial objectives and issues, how to set up clinical trials for ABT-724, Pages 65-75 discussion of 3 studies: RigiScan study, chronic-use study, and female study (p. 65), debate over what level of unfavorable results from the RigiScan would "kill" the compound (p. 75-79), possible results of studies compared to Viagra and Uprima (competitor drugs), discussion of dosage requirements and a 90-day study, question of 'when's the next meeting', John Leonard, in summarizing the 2-day meetings:

First of all at the level of the meeting is very helpful, I think we expanded our horizons a little bit, we were going down a pathway that may not have been optimal for this type of therapy, and I think the new thinking is very helpful. Now it comes back to the company, and I think we have to ask ourselves some tough questions about Abbott Laboratories and ED. Is this going to be a 724 story, or is this going to be a long-term approach with a D4 in general?

I can just tell you, this is the season that we go through our planning processes and budgeting and all that, and I am glad that Jeff could join us, because I know in some private conversations he and I have had we see a focus with therapy valuable, thinking about some of the potentials that we hadn't really thought about previously, I'd hope that there's avenues to stay engaged with the group, and I don't know the urological calendar and things like that in terms of what meetings you guys typically go to... (p. 124)

A **December 20, 2002** letter from Tom Lyons (JH001054) provides an "Annual Progress Report (November 2002)" for ongoing compounds, "2002 Y/E Estimate for JH Development Portfolio", and an "R&D Costs and Development Timeline 2003 Plan" that includes projected costs as well as a "Timeline" of projected launch dates (JH001058). The projected launch date in the 2002 Plan was 3Q2008 and the updated 2003 projected launch date is "TBD". The progress report provided for ABT-724 is:

"ABT-724. Currently there is one Phase I study ongoing with 32 patients enrolled. An extension of this study is expected to begin in December of 2002 and continue into 2003. In addition, 2002 completed studies included both pre-clinical toxicology and metabolism studies. Due to overall funding constraints as well as strategic priorities, **no new studies/work are currently funded in 2003 for ABT-724**. If additional funding does become available, ABT-724 will be considered." [emphasis added]

The updated spending plan for ABT-724 in 2003 is \$0.1M (JH001058) or \$75,000 on a more detailed worksheet (JH001064).

### 2003

A spreadsheet, "Historical NMEs, May 2003" provides a summary of various compounds. For ABT-724, a "metric" of "Product Pipeline Status" is shown as "terminated, Jul-01". There appear to be other activities that took place in 2002, for example: "DDC Meeting Dec-02" and "Start of first GLP animal tox study Jul-02".

# REDACTED

A report/spreadsheet, "NME In Development, May 2003" is similar to the spreadsheet above.

A letter dated **November 12, 2003** from James L. Tyree, Abbott, Vice President, Global Licensing/New Business Development, (JH001283), provides an update to spending program by compound by year for 2001 through 2005 (JH001284). On the following report "Hancock Collaboration, Spending by Program, in millions of dollars", ABT-724 is not listed with other compounds that incurred expenses in 4Q2002 or for total year spending for 2003 (JH001285).

A schedule, "Global Pharmaceutical Research and Development, December 2003 Finance Summary, Development Programs Spending, \$ (thousands)" reports 2003 actual and 2003 Update for ABT-724 to be 834 and 752, respectively.

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